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From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	16169/25
Subject:	Proposal for a Regulation of the European Parliament and of the Council on the production and marketing of forest reproductive material, amending Regulations (EU) 2016/2031 and 2017/625 of the European Parliament and of the Council and repealing Council Directive 1999/105/EC (Regulation on forest reproductive material) *- Analysis of the final compromise text with a view to agreement*

Delegations will find in the Annex, for information, the text of the final compromise text with a view to an agreement of the Proposal for a Regulation of the European Parliament and of the Council on the production and marketing of forest reproductive material, amending Regulations (EU) 2016/2031 and 2017/625 of the European Parliament and of the Council and repealing Council Directive 1999/105/EC (Regulation on forest reproductive material), approved by the Committee of Permanent Representatives on 19 December 2025.

ANNEX

2023/0228 (COD)

Draft

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the production and marketing of forest reproductive material, amending Regulations (EU) 2016/2031 and 2017/625 of the European Parliament and of the Council and repealing Council Directive 1999/105/EC (Regulation on forest reproductive material)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission[1],

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee [2],

~~[Having regard to the opinion of the Committee of the Regions,]~~

Acting in accordance with the ordinary legislative procedure[3],

Whereas:

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1 OJ C 199, 14.7.1999, p. 1.
2 OJ C 329, 17.11.1999, p. 15.
3 Position of the European Parliament of … and position of the Council at first reading of ... Position of the European Parliament of ... and decision of the Council of ....

(1) Council Directive 1999/105/EC[4] sets out rules on the production ***with a view to marketing*** and marketing of forest reproductive material ('FRM').

(2) Forests cover some 45% of the land area in the Union and fulfil a multifunctional role that comprises social, economic, environmental, ecological and cultural functions. Forests have a ~~premordial~~***primordial*** function as a carbon sink in the climate mitigation policy. High-quality, climate-adapted and diverse FRM ***of proven identity*** is essential to cover these needs.

(3) In the light of ~~new technical and~~ ***the development of*** scientific ~~developments~~***or technical knowledge***, the update of the Rules and Regulations of the Organisation for Economic Co-operation and Development (OECD) Scheme for the Certification of Forest Reproductive Material Moving in International Trade[5] ('OECD Forest Seed and Plant Scheme'), the new policy priorities of the Union in relation to sustainability, climate change adaptation and biodiversity and in particular the European Green Deal[6], as well as the experience gained during the implementation of Directive 1999/105/EC, that Directive should be replaced by a new act. In order to ensure uniform application of the new rules throughout the Union, the act should take the form of a Regulation.

(4) The aim of the OECD Forest Seed and Plant Scheme is to encourage the production and use of seeds, parts of plants and plants that have been collected, processed and marketed in a manner that ensures a high quality and availability of FRM. Due to the length of forest cycles and the cost of plantations and long-term forest investment, it is essential that foresters get fully reliable information on the origin and on the genetic characteristics of the FRM they use in plantation. The OECD Forest Seed and Plant Scheme meets that need by means of certification and traceability. It has a major role in helping the world's forests adapt to changing climatic conditions. Emphasis is placed on ~~preserving species diversity and~~ ensuring high genetic diversity within species and ~~seed lots thereby enhancing~~***on***

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4 Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material (OJ L 11, 15.1.2000, p. 17).

5 Decision of the Council Establishing the OECD Scheme for the Certification of Forest Reproductive Material Moving in International Trade [OECD/LEGAL/0355].

6 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions - The European Green Deal (COM/2019/640 final).

preserving species diversity, including by diversification in forest plots. As a result, the adaptive potential of ***forests would be maintained and improved*** ~~FRM~~ for the future replanting of an area with trees ('reforestation') and the creation of new forests ('afforestation'). Reforestation may be required ***as a part of sustainable forest management or*** when parts of an existing forest have been affected by extreme weather events, wildfires, outbreaks of disease and pest outbreaks, or other disasters.

(5) The European Green Deal sets out the Commission's commitment for tackling climate change and environmentally-related challenges. It aims to transform the Union's economy for a sustainable future. The Union rules on the production and marketing of FRM need to be in line with Regulation (EU) 2021/1119 of the European Parliament and of the Council establishing the framework for achieving climate neutrality[7] and with the three implementing strategies of the European Green Deal: the new EU Strategy on Adaptation to Climate Change[8], the new EU Forest Strategy for 2030[9] and the EU Biodiversity Strategy for 2030[10].

(6) Regulation (EU) 2021/1119 requires relevant Union institutions and Member States to ensure continuous progress in enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change. One of the aims of the new EU Strategy on Adaptation to Climate Change is therefore to accelerate the adaptative capacity of the Union to climate change, by amending the rules on FRM, amongst others. The Union legislation should encourage the Union wide production and marketing of FRM. ~~To this end, the possibility for Member States to restrict the approval of certain basic material and~~

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7 Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).

8 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change (COM(2021) 82 final).

9 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, New EU Forest Strategy for 2030 (COM(2021) 572 final).

10 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030 Bringing nature back into our lives (COM(2020) 380 final).

~~to prohibit the marketing of certain FRM to final users, as it it set out in Directive 1999/105/EC, should be abolished.~~

(7) The new EU Forest Strategy for 2030 has as its key objectives effective afforestation, and forest preservation and restoration in the Union, to help increase the absorption of CO_2, reduce the incidence and extent of forest fires, and promote the bio-economy, in full respect of ecological principles favourable to biodiversity. Ensuring forest restoration and reinforced sustainable forest management are essential for ~~climate~~ adaptation ***to climate change*** and forest resilience. In this regard, the new EU Forest Strategy states that adapting forests to climate change and restoring forests following climate damages will require large quantities of appropriate FRM. This implies efforts to secure and sustainably use the forest genetic resources on which a more climate-proof forestry depends. Efforts are also needed to increase the production and availability of such FRM, to provide better information on its suitability for climatic and ecological conditions and to enhance its collaborative production and transfer across national borders within the Union. ~~Professional operators should thus be required to provide beforehand information to the users about the suitability of FRM for climatic and ecological conditions.~~

(8) The EU Biodiversity Strategy for 2030 aims to put Union biodiversity on the path to recovery by 2030. Within the framework of that strategy, Union legislation is to place emphasis on the preservation of species diversity and ensure high genetic diversity within species and ~~seed lots~~ ***lots of FRM***. This aims to facilitate the supply of high-quality and genetically diverse FRM ***of proven identity*** that is adapted ***or adaptable*** to current and projected future climatic conditions. The conservation and improvement of biodiversity of forests, including the genetic diversity ~~of the trees~~***within individual tree species***, are essential to sustainable forest management and ***conservation of forest genetic resources*** for supporting forests' adaptation to climate change. ~~Tree species and artificial hybrids under this Regulation should be genetically suited to the local conditions and be of high quality.~~

(9) There is a long-term cross-border dimension due to the fact that the already observed northward migration of vegetation zones is expected to accelerate significantly in the coming decades. Hence the requirement in this Regulation for providing information about the ~~zones~~***areas*** where ~~seed can be planted or~~ FRM is adapted to the local conditions would be an extremely useful asset to foresters. Competent authorities ~~should therefore designate~~

~~zones specifying that in these zones the seed is suited to the local conditions and can be sown ('seed transfer zones'). Likewise, they~~ should ***have the possibility to*** designate areas specifying that in these areas FRM is adapted to the local conditions ('deployment areas').

(10) Directive 1999/105/EC defines FRM in relation to its importance for forestry purposes in all or part of the Union but it remains vague about those forestry purposes. For the sake of clarity, the scope of this Regulation ~~lists~~***should list*** the purposes for which it is important to use high-quality FRM. ***However, agroforestry should be excluded from the scope of this Regulation, because it is considered, alongside with precision agriculture, organic farming, agro-ecology, and low intensity permanent grassland, as one of the many agricultural practices contributing to the protection of biodiversity, ecosystem services and landscape features[1]. Agroforestry features, and in particular hedgerows, are recognised as non-productive agricultural elements aiming to protect agricultural fields, thus covering objectives and purposes beyond the ones set out by this Regulation.***

(11) FRM may be produced for ***intended*** use in ~~afforestation/reforestation~~***afforestation, reforestation, diversification in a forest plot*** and other ~~types of~~ tree planting and ***direct seeding for one or more of the following*** ~~for several different~~ purposes ~~such as wood and~~***: multifunctional forestry, production of wood,*** biomaterials ~~production, biodiversity conservation, restoration of~~***, biomass or other*** forest ~~ecosystems, climate adaptation, climate mitigation~~ ***products*** and conservation ~~and sustainable use~~ of forest genetic resources.

(12) Research has shown that the assessment and approval of basic material in relation to the specific purpose for which the FRM will be used are of utmost importance. In addition to that, the planting of high-quality FRM at the right place has a positive impact on the purpose for which that FRM is used. At the right place means that the FRM is genetically and phenotypically suited to the site where it is grown, including the relevant climate projections for it.

(12a) Upon approval of basic material, a distinction should be made between autochthonous and indigenous seed sources or stands by the competent authorities. Professional operators should have the option to make this distinction on the professional operator's document.

(13) In order to ensure a sufficient supply of FRM in response to the increased demand for FRM, it is necessary to remove any actual or potential barriers to trade, which may hinder the free movement of FRM within the Union. This aim can be achieved only if the respective Union rules on FRM impose the highest possible standards.

(14) The Union rules on the production ***with a view to marketing and on the*** ~~and~~ marketing of FRM should take into account practical needs and should apply only to certain species and ~~artificial~~ ***their*** hybrids which are ~~listed in Annex I to~~ ***important for the objectives of*** this Regulation. Those species ~~and artificial hybrids are important for~~ ***should be listed in an Annex to this regulation. The aim of this Regulation is to ensure*** the production ***and marketing of high-quality FRM of proven identity. To help maintain and establish resilient forests, restore*** ~~of FRM for afforestation, reforestation and other types of tree planting for the purpose of wood and biomaterials production, biodiversity conservation, restoration of~~ forest ecosystems, ~~climate adaptation, climate mitigation, and conservation and sustainable use of forest genetic resources~~ ***support their ecosystem services and establish other tree plantings, users should be informed prior to the purchase of FRM about the specific climatic and ecological conditions where the respective material has grown***.

(15) The aim of this Regulation is to ~~ensure the production and marketing of high-quality FRM. To help create~~ ***help maintain and establish*** resilient forests ~~and~~***,*** restore forest ecosystems, ***support their ecosystem services and establish other tree plantings, in particular by the sustainable production, marketing and traceability of high-quality FRM, ensuring that*** users ~~should be~~ ***are*** informed prior to the purchase of FRM about the ~~suitability of that FRM for the~~ ***specific*** climatic and ecological conditions ~~of the area~~ where ~~it will be used~~ ***the respective basic material is located***.

(16) To ensure that certified FRM will be adapted to the ***specific*** climatic and ecological conditions of the area where it is ***intended to be sown or*** planted, the competent authorities should assess the sustainability characteristics of basic material during the procedure for ~~approving that basic material~~ ***its approval***. Those sustainability characteristics should concern the adaptation of that basic material to the ***specific*** climatic and ecological conditions***, including the biotic and abiotic factors prevailing in the region of provenance*** and the ~~freedom of trees from~~ ***resistance or tolerance to*** pests and ~~their symptoms~~ ***the adverse climatic and site conditions in which they are growing***.

(17) FRM should only be harvested from basic material that has been assessed and approved by the competent authorities in order to ensure the highest possible quality of that FRM. Approved basic material should ***be*** registered in a national register with a unique register reference and with reference to a unit of approval. ***In order to allow competent authorities to organise those controls, professional operators should notify their intention prior to harvesting.***

(17a) However in order to ensure a more flexible approach with regard to the FRM of source-identified category, competent authorities should have the possibility, upon the approval of the Commission, to authorise professional operators to approve, for certain species, basic material intended for the production of FRM of that category, in the case of extreme weather and climatic conditions.

(18) In order to adapt to the scientific ~~and~~ ***or*** technical developments of international standards, the use of ~~bio-molecular~~ ***biochemical and molecular*** techniques ***(BMT),*** should ***be possible to*** be included as a complementary method in the procedure for the approval of basic material. ~~Those bio-molecular techniques should be allowed to assess the origin of basic material or to screen the basic material for the presence of disease resistance traits through molecular markers.~~

(36) To ensure an effective overview and transparency about the FRM that is produced and marketed throughout the Union, each Member State should establish, publish and keep updated, in electronic format, a national register of the basic material of the various species and ~~artificial~~ ***their*** hybrids approved on its territory, and a national list which should be presented as a summary of the national register~~, and a national list which should be presented as a summary of the national register~~.

(37) For the same reason, the Commission should publish in electronic format a Union list of approved basic material for the production of FRM, on the basis of the national lists provided by each Member State. That Union list should contain information on basic material that contains or consists of a genetically modified organism or that has been produced by certain new genomic techniques.

~~(19) A master certificate should be issued by the competent authorities of the respective Member States for all FRM that is derived (i.e. harvested) from approved basic material. Such master certificate ensures the identification of the FRM, contains information about~~

~~its origin and provides the most appropriate details for its users and the competent authorities in charge of its official control. It should be allowed to issue the master certificate in an electronic form.~~

(19a) Each Member State should establish and update a national list of issued master certificates and make that list available to the Commission and national competent authorities of all other Member States.

(20) Only FRM that has been harvested from approved basic material should be allowed to be subsequently certified and placed on the market. FRM should be certified as 'source-identified', 'selected', 'qualified' and 'tested' by the competent authorities and be marketed with a reference to those categories. ~~Those types of categories show which of the characteristics of the basic material have been assessed and they indicate the quality of the FRM. For lower quality FRM ('source-identified' and 'selected' categories), basic material will be checked for basic characteristics. For higher quality FRM ('qualified' and 'tested' categories), parent trees will be selected for outstanding characteristics and crossing schemes designed. In the case of FRM of the 'qualified' category, the superiority of the FRM estimated on the basis of the characteristics of the parent trees. In the case of the 'tested' category, the superiority of that FRM must be demonstrated in comparison with either the basic material from which that FRM has been harvested or with a reference population.~~ The 'source-identified', 'selected', 'qualified' and 'tested' categories of FRM should be subject to uniform production and marketing requirements, to ensure transparency~~, equal terms of competition~~ and the integrity of the internal market ***and to create equal conditions for professional operators across the Union***.

~~(21) The certification rules should be clarified in the case of FRM that has been produced through innovative production processes and in particular FRM production techniques for the production of a specific type of FRM, namely clones. As the place of production of those clones may be different from the location of the original tree (i.e. basic material) from which the clone(s) has been derived, the rules should be amended to guarantee traceability.~~

(22) ~~The requirements for~~ Basic material intended ***for the production of FRM*** for the purpose of conservation ~~and sustainable use~~ of forest genetic resources ~~are~~ ***is*** different from ~~those for~~ basic material intended for the production of FRM for commercial purposes, because of

the different selection criteria applied for these two types of basic material. ~~For the purpose of conserving and sustainably using forest genetic resources, all trees from a stand of trees in the forest.~~ ***Therefore, it*** should be ~~kept. This is necessary to help increase the genetic diversity within a single tree species. On the other hand, only trees with superior characteristics should be selected in the case of~~ ***possible to authorise professional operators to approve*** basic material ~~intended for the production of FRM for commercial purposes. Member States~~ ***under certain conditions. Authorised professional operators*** should ~~therefore be allowed to derogate from the applicable rules as regards the approval of~~ ***approve*** basic material ~~and notify this basic material intended for the purpose of conserving forest genetic resources~~***, in accordance with the requirements laid down in Annexes II to V, and with reference to a unit of approval and communicate the details of that unit of approval*** to the competent authority.

(23) The source-identified category is the minimum standard required for the marketing of FRM, because ***there is*** little or no phenotypic selection of the basic material intended for the production of FRM of ~~the source-identified~~ ***this*** category ~~has taken place~~. To ensure traceability, the professional operator should record the location of the basic material (i.e. provenance) from which FRM is collected. The origin of that basic material should be stated if known. This is in line with the OECD Forest Seed and Plant Scheme' and the experience gained with Directive 1999/105/EC.

(24) ~~Pursuant to the OECD Forest Seed and Plant Scheme and following~~ ***On the basis of experience gained from*** the application of Directive 1999/105/EC***, and taking into account the OECD Forest Seed and Plant Scheme***, the competent authority should assess basic material intended for the production of FRM of the selected category based on the observation of the characteristics of that basic material, taking account of the specific purpose for which the FRM harvested from that basic material is to be used. The overall quality of that category should be ensured. ~~As~~ The ***reproductive*** population should ~~show a high~~ ***have a minimum*** degree of uniformity~~, trees that have inferior characteristics (e.g. smaller size) in comparison to the average tree size in the overall population should be removed.~~

(25) In order to produce FRM of the qualified category, the professional operator should select the components of the basic material that will be used in the crossing design at individual level due to their outstanding characteristics as regards, for example, ***wood production or***

adaptation to the local climatic and ecological conditions. The competent authority should approve the composition and proposed crossing design of those components, the field layout, the isolation conditions and location of that basic material. This is important in order to align with the applicable international standards pursuant to the OECD Forest Seed and Plant Scheme Scheme' and to take into account the experience gained from Directive 1999/105/EC.

(26) Basic material that is intended for the production of FRM of the tested category should be subject to the most stringent possible requirements. Determining the superiority of FRM should be made by comparing it with one or preferably several approved or pre-chosen standards. ~~The professional operator selects~~ Those standards ***should be determined*** on the basis of the purpose for which the FRM of the tested category will be used. ~~In this regard, if the purpose of that FRM will be climate adaptation, then the FRM will be compared with standards having a good performance as regards adaptation to the local climatic and ecological conditions (e.g. practical freedom from pests and their symptoms).~~ Following the selection of the components of ***the*** basic material, ~~the professional operator should demonstrate~~ the superiority of the FRM ***should be demonstrated*** by comparative testing or ~~estimate its superiority~~ ***estimated*** by evaluating the genetic components of that basic material. The competent authority should be involved in ~~each step of~~ this process. It should approve the experimental design and tests for the approval of the basic material, verify the records provided by the professional operator and approve either the results of the tests concerning the superiority of the FRM or the genetic evaluation as appropriate. This is necessary, in order to align with the applicable international standards pursuant to the OECD Forest Seed and Plant Scheme and other applicable international standards, and to take into account the experience gained from Directive 1999/105/EC.

(27) The assessment of basic material intended for the production of FRM of the tested category takes on average 10 years. In order to ensure faster market access of FRM of the tested category, while the assessment of the basic material is still ongoing, Member States should have the possibility to temporarily approve such basic material, for a maximum period of 10 years~~, in all or part of their territory~~. That approval should be granted only if the provisional results of the genetic evaluation or comparative tests indicate that that basic material will satisfy the requirements of this Regulation when the tests will be completed. This early assessment should be re-examined at a maximum interval of ~~ten~~***10*** years.

(28) Compliance of ***marketed*** FRM with the requirements for the categories 'source-identified', 'selected', 'qualified' and 'tested' should be ~~confirmed by inspections carried out by the competent authorities as appropriate for each category ('official certification') and should be~~ attested by an official label. ***Before marketing or direct using, harvested FRM should bear a provisional label to ensure traceability until the official label is issued.***

(19) A master certificate should be issued by the competent authorities of the respective Member States for all FRM that is derived (i.e. harvested) from approved basic material. Such master certificate ensures the identification of the FRM, contains information about its origin and provides the most appropriate details for its users and the competent authorities in charge of its official control. It should be possible to issue the master certificate in an electronic form.

(28a) In addition to the official label, professional operators should also issue an professional operator's document. It should contain all information from the official label, as well as supplementary information. This is necessary in order to inform the user as comprehensively as possible about the FRM, and to retain that information in the most effective manner.

(28b) Rules should be laid down on the harvesting and collection of FRM from basic material in order to ensure the high quality and traceability of that FRM.

(29) Genetically modified FRM ~~may~~ ***should*** only be placed on the market if it is safe for human health and the environment and has been authorised for cultivation pursuant to Directive 2001/18/EC of the European Parliament and of the Council[11] or Regulation (EC) 1829/2003[12] and if that FRM belongs to the tested category. FRM obtained by certain new genomic techniques may only be placed on the market if it complies with the requirements of Regulation (EU) [Publications Office, please insert reference to Regulation (EU) of the

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[11] Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 106, 17.4.2001, p. 1).

[12] Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed (OJ L 268, 18.10.2003, p. 1).

European Parliament and of the Council on plants obtained by certain new genomic techniques and their food and feed[13] and if that FRM belongs to the tested category.

(30) The official label should contain information on basic material that contains or consists of a genetically modified organism or that has been produced by certain new genomic techniques.

(31) ***It should be possible for the competent authorities to authorise*** professional operators ~~should be authorised by the competent authority~~ to ***issue and*** print the official label under official supervision for certain species and categories of FRM. This will give more ~~flexibility~~ ***flexibility*** to the professional operators in relation to the subsequent marketing of that FRM. However, professional operators ~~can only~~ ***should only be allowed to*** start ***issuing and*** printing the label once ~~competent authority has certified~~ the FRM ~~concerned~~ ***has been found to comply with the respective requirements***. That authorisation is necessary due to the official character of the official label and to guarantee the highest possible quality standards for the users of FRM. Rules should be set out for the withdrawal or modification of that authorisation.

~~(32) Member States should be allowed to impose additional or more stringent requirements for the approval of basic material produced in their own territory, subject to authorisation granted by the Commission. This would enable the implementation of national or regional approaches concerning the production and marketing of FRM and aimed at improvement of the quality of the FRM concerned, protection of the environment, or contribution to the protection of biodiversity and the restoration of forest ecosystems.~~

(32a) Insofar as certain species and their hybrids are not subject to the measures contained in this Regulation, Member States may take such measures, in respect of their own territory, or apply more or less stringent measures.

(33) In order to ensure transparency and more effective controls on the production and marketing of FRM, professional operators should be registered in the registers established by Member States pursuant to Regulation (EU) 2016/2031 of the European Parliament and

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[13] Regulation (EU) …/… of the European Parliament and of the Council …. (OJ …, p.).

of the Council[14]. ~~Such registration reduces the administrative burden for those professional operators. It.~~ ***This*** is necessary for the efficacy of the official register of professional ***operators*** and to avoid double registration. The professional operators under the scope of this Regulation are to a big extent covered by the scope of the official register of professional operators under Regulation (EU) 2016/2031.

(34) Prior to the ~~purchase~~ ***transfer*** of FRM, professional operators should ~~make available to the~~ ***facilitate access to*** potential ~~buyers~~ ***users*** of their ~~FRM all the necessary~~ ***FRM to the existing available*** information concerning its suitability for the respective climatic and ecological conditions, in order to allow them to select the most appropriate FRM for ~~their region~~ ***the intended use of that FRM and the location concerned***.

(34a) In order to ensure the smooth functioning of the internal market and create a level playing field, certain requirements should be laid down concerning the obligation of professional operators to ensure traceability and identification of FRM at all stages of production and marketing and to submit those operators to official controls. In order to be entrusted with performing all or certain activities required for the production and marketing of FRM under the official supervision of the competent authority and issuing an official label for that FRM, professional operators should need to be authorised by the competent authority. Rules should be laid down concerning the granting, withdrawal or modification of such authorisation and for the performance of official supervision by the competent authorities.

(35) In the case of basic material intended for the production of FRM of the 'source-identified' and 'selected' categories, the Member States should, for the relevant species, demarcate the regions of provenance, in order to identify an area or groups of areas with sufficiently uniform ecological conditions and containing basic material with similar phenotypic or genetic characteristics. This is necessary because the FRM produced from that basic material is to be marketed with reference to those regions of provenance.

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14 Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016, p. 4).

(36) To ensure an effective overview and transparency about the FRM that is produced and marketed throughout the Union, each Member State should establish, publish and keep updated, in electronic format, a national register of the basic material of the various species and artificial ***their*** hybrids approved on its territory~~, and a national list which should be presented as a summary of the national register~~.

~~(37) For the same reason, the Commission should publish in electronic format a Union list of approved basic material for the production of FRM, on the basis of the national lists provided by each Member State. That Union list should contain information on basic material that contains or consists of a genetically modified organism or that has been produced by certain new genomic techniques.~~

(38) Each Member State should ~~draw~~ ***have the possibility to ensure preparedness and capacity to establish a sufficient supply of FRM by drawing*** up and ~~keep~~ ***keeping*** up to date a contingency plan ~~to ensure~~ ***for one or more of the relevant tree species. This would allow*** a sufficient ~~supply~~ ***access to supplies*** of FRM, to reforest areas affected by extreme weather events, wildfires, ~~disease and~~ ***diseases,*** pest outbreaks, disasters or any other ***adverse*** event. Rules should be set out concerning the content of that plan~~,~~ in order to ensure proactive and effective action against such risks, if they emerge. Member States should ~~be allowed~~ ***also have the possibility*** to adapt the content of that plan to the specific climatic and ecological conditions in their territories. ~~This requirement also reflects.~~ ***Those possibilities should also reflect*** the general preparedness actions that Member States should take on a voluntary basis under the Union Civil Protection Mechanism[15].

(39) ***In order to ensure traceability*** FRM should, during all stages of production ***and marketing***, be kept ~~separate~~ ***separated in lots,*** by reference to individual units of approval~~.~~ ~~Those units of approval should be produced and marketed in lots, that must be sufficiently homogeneous and identified as distinct from other lots of FRM. A distinction should be made between seed lots and plant lots, to identify the type of FRM and ensure~~***, and the master certificate, when issued. For reasons of transparency and*** traceability ~~to the approved basic material from which FRM has been harvested. This guarantees the~~

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[15] Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).

~~maintenance~~***, each lot of FRM should be identified by the lot code and master certificate code, upon issuance*** of the ~~identity and quality of that FRM~~ ***master certificate***.

(40) Seeds should be marketed only if they ~~conform to~~ ***comply with*** certain quality standards. ***With the exception of large quantities,*** they should be labelled and marketed only in ~~sealed~~ ***closed*** packages ***which are sealed***, in order to enable their appropriate identification, quality and traceability, and to avoid fraud.

~~(41) In order to meet the aim of the EU Digital Strategy[16] to make the transformation to digital technologies work for people and businesses, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union ('TFEU') should be delegated to the Commission in respect of rules on rules on digital recording of all actions taken, for the purpose of issuing a master certificate and an official label and the establishment of a centralised platform facilitating the processing of, access to, and use of those records.~~

(42) During periods in which there are temporary difficulties in harvesting sufficient supplies of FRM from certain species, basic material ***or FRM*** satisfying less stringent ***quality*** requirements should, subject to certain conditions, be temporarily approved. Those less stringent requirements should concern the approval of basic material intended for the production of different categories of FRM ***or marketing of FRM fulfilling less stringent quality requirements***. This is necessary to ensure a flexible approach***, in the affected areas,*** under adverse circumstances and to avoid disruptions of the internal market of FRM~~'~~.

(42a) In order to harmonise the performance of official controls and other official activities in relation to FRM throughout the Union, rules should be laid down concerning the designation of, and requirements on, the competent authorities responsible for such tasks, as well as on the performance and possible delegation of such tasks.

~~16 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, 2030 Digital Compass: the European way for the Digital Decade (COM(2021)118 final).~~

(42b) Commission experts should be able to perform controls, including audits, in Member States to verify the application of the relevant Union legislation and the functioning of national control systems and competent authorities.

(42c) In order to ensure good administration principles and public trust, competent authorities should perform official controls with a high level of transparency. For that purpose, they should make available to the public, including through publication on the internet, relevant information concerning the organisation and the performance of official controls, including, as relevant, the type and number of official controls, cases of non-compliance, measures taken and penalties imposed.

(43) FRM should only be imported from third countries, if it is established that it fulfils requirements equivalent to those applicable to FRM produced and marketed in the Union. This is necessary in order to ensure that such imported FRM affords the same level of quality as the FRM produced in the Union. ***That approach will ensure that FRM imports not only meet Union standards but also that they contribute to genetic diversity and sustainability.***

(43a) Extreme weather and climatic conditions may cause shortages of FRM in one or more Member States that cannot be addressed by the other Member States and/or countries for which equivalence has been granted. Therefore, in those exceptional cases the Member State(s) concerned should be allowed, subject to certain conditions, to temporarily import FRM from third countries other than those for which equivalence has been granted. When assessing those conditions, the Commission should also take into account the specific needs of the Member State(s) concerned, such as the origin and the genetic characteristics of that FRM.

(44) Where FRM is imported into the Union from a third country, the professional operator concerned should inform the respective competent authority in advance of the import of FRM, through the information management system for official controls (IMSOC) set up pursuant to Regulation (EU) 2017/625 of the European Parliament and of the Council [17].

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[17] Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC)

Moreover, imported FRM should be accompanied by ~~a master~~ ***an OECD*** certificate or an ***equivalent*** official certificate issued by the third country of origin, and records containing details of that FRM provided by the professional operator in that third country. An ***OECD label or equivalent*** official label should be attached to that FRM, as this is necessary to ensure informed choices for the users of that FRM and facilitate the competent authorities with the conduct of the respective official controls.

(45) In order to monitor the impact of this Regulation and to allow the Commission to assess the measures introduced, Member States should report every 5 years about ~~the annual~~ quantities of certified FRM ***by categories per year, the number of***~~, the~~ adopted ~~national~~ contingency plans, ~~the~~ information ***about the*** available ~~to users on where to best plant FRM through~~ ***and relevant*** websites ~~and/or~~ ***and national*** planters' guides, ~~the~~ quantities of ***FRM per genera and species*** imported ~~FRM and the~~ ***from third countries under Union equivalence,*** penalties imposed ***and the number of registered professional operators***.

(46) In order to adapt ***the provisions of this Regulation*** to the ~~movement of vegetation zones and~~ ***ecological changes, shift of*** tree species~~,~~ ***and their*** ranges as a result of climate change, ~~and any other developments of technical or~~ ***as well as to any development of*** scientific ***or technical*** knowledge~~, including about climate change~~, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of ~~amending the list of the~~ ***adding*** tree species~~, and artificial hybrids thereof~~ ***to, or removing them from***, ***the list of species subject*** to ~~which~~ this Regulation***, if they fulfil certain criteria*** ~~applies~~.

(47) In order to ~~adapt to~~ ***take account of*** the development of scientific ~~and~~ ***or*** technical knowledge~~,~~ and of the OECD Forest Seed and Plant Scheme and other applicable international standards~~, and to take account of Regulation (EU) 2018/848 of the European~~

No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

~~Parliament and of the Council~~[18], the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending (i) the requirements ***of the approval of*** ~~concerning~~ basic material intended for the production of FRM ~~to be certified as~~ ***of*** 'source-identified', 'selected', 'qualified'~~,~~ and 'tested' ***categories*** and (ii) the categories under which FRM from the different types of basic material may be marketed.

~~(48) In order to allow a more flexible approach for the Member States, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of setting out the conditions for temporarily authorising the marketing of FRM which does not meet all the requirements of the appropriate category.~~

(49) In order to adapt to the ~~technical and~~ ***development of*** scientific ~~developments~~ ***or technical knowledge***, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of setting out ~~the~~ ***certain*** requirements ~~to be fulfilled by fruit and seed~~ ***concerning seed units*** lots of the ***tree*** species covered by this Regulation~~, to be fulfilled by~~ ***other than their hybrids, concerning*** parts of plants of ~~the~~ ***such*** species and ~~artificial~~ ***their*** hybrids ~~covered by this Regulation, for~~ ***concerning*** external quality standards for ~~Populus~~ ***Populus*** spp. propagated by stem cuttings or sets, ~~to be fulfilled by~~ ***concerning*** planting stock of the ***tree*** species and ~~artificial~~ ***their*** hybrids covered by this Regulation, and ~~to be fulfilled by~~ ***concerning*** planting stock to be marketed to final users in regions ~~having a Mediterranean climate~~ ***with particular eco-climatic conditions***.

(49a) In order ensure clarity and a harmonised approach with the establishment and implementation of the contingency plans, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of specifying the elements that can be included in a contingency plan pursuant to this Regulation.

(49b) In order to increase the credibility of the system for the authorisation of the professional operators and the official supervision by the competent authorities, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission

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~~18~~ ~~Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).~~

in respect of setting out the procedure for the application submitted by the professional operator to be authorised, and the actions to be taken by the competent authority to confirm compliance with the respective requirements.

(50) In order to ~~adapt with~~ ***meet the aim of*** the EU Digital Strategy[19] ***to make the transformation to digital technologies work for people and businesses, and to take account of*** ~~and~~ the technical developments in the ~~digitisation~~ ***digitalisation*** of services, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of establishing rules concerning digital recording of ~~all~~ ***the main*** actions ~~taken by~~ ***concerning the verification of the requirements for the approval of the basic material and the production of FRM, which lead to the issuance of master certificates, of the official labels and of*** the professional operator ~~and the competent authorities, in order to issue the master certificate~~ ***'s documents*** and concerning the establishment of a centralised platform that connects all the Member States and the Commission.

(51) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work ~~for those~~ ***on*** delegated acts, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[20]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

~~(52) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission with respect to the establishment of specific conditions as regards the requirements and content of the notification of the basic material.~~

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[19] ***Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, 2030 Digital Compass: the European way for the Digital Decade (COM(2021)118 final).***

[20] OJ L 123, 12.5.2016, p. 1.

(52a) In order to ensure a proportionate approach, in the case of small quantities, certain requirements for the marketing of seeds should not have to be fulfilled. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission with respect to determining the small quantities for the species to be excluded from certain marketing requirements.

(52b) In order to ensure uniform conditions for the implementation of this Regulation, and to ensure that authorised professional operators carry out the approval of basic material intended for the production of FRM for the purpose of conservation of forest genetic resources correctly and in a coherent manner, implementing powers should be conferred on the Commission in respect of specific conditions for assessing the eligibility of professional operators to be authorised to approve basic material and the conditions for the communication of the details of the unit of approval to the competent authority

(52c) In order to ensure uniform conditions for the implementation of this Regulation, and to address temporary difficulties in the general supply of FRM, implementing powers should be conferred on the Commission with respect to authorising one or more Member States to temporarily allow the marketing of FRM satisfying, or deriving from basic material which satisfies, less stringent requirements than the ones set out by this Regulation.

~~(48) In order to allow a more flexible approach for the Member States, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of setting out the conditions for temporarily authorising the marketing of FRM which does not meet all the requirements of the appropriate category.~~

(53) In order to ensure uniform conditions for the implementation of this Regulation, and facilitate the ~~recognisibility~~***recognisability*** and use of master certificates, implementing powers should be conferred on the Commission with respect to adopting the content and the model for the master certificate~~ of identity for FRM derived from seed sources and stands, FRM derived from seed orchards or parents of family(ies), and FRM derived from clones and clonal mixtures~~ ***as well as to laying down rules concerning the mechanisms and technical arrangements to ensure the issuance of accurate and reliable master certificates, and prevent risk of fraud, the procedures to be followed in the case of withdrawal of master certificates and for the issuance of replacement certificates, rules***

for the production of certified copies of master certificates, and rules for the issuance of electronic certificates and for the use of electronic signatures.

(54) In order to ensure uniform conditions for the implementation of this Regulation, and ensure a harmonised framework for the labelling and provision of information concerning FRM, implementing powers should be conferred on the Commission with respect to setting out the ~~content~~ ***format, size, shape and colour*** of the official label~~, the additional information in the case of seeds and small quantities of seeds, the colour of the label for~~ ***and the professional operator's document for all or*** specific categories ~~or other types~~ of FRM~~, and additional information in the case of specific genera or species~~***. When defining the colour, the Commission should take into account the Rules and Regulations of the OECD Forest Schemes***. ***Member States may apply the rules on colour as appropriate.***

(55) In order to ensure uniform conditions for the implementation of this Regulation, and adapt to the developments concerning the digitisation of the FRM sector, implementing powers should be conferred on the Commission with respect to setting out the technical arrangements for the issuance of electronic master certificates***, electronic official labels and electronic professional operators' documents***.

(55a) In order to ensure uniform conditions for the implementation of this Regulation, and to ensure the approval of basic material of the source-identified category by the professional operators, implementing powers should be conferred on the Commission in respect of granting such approval subject to certain conditions.

(55b) In order to ensure uniform conditions for the implementation of this Regulation, and to ensure the correct use of the derogation concerning provisional approval of basic material intended for the production of FRM of the tested category, implementing powers should be conferred on the Commission in respect of specifying the maximum number of units of FRM and the maximum area size that can be subject to such approval.

~~(56) In order to ensure uniform conditions for the implementation of this Regulation, and to address urgent supply problems of FRM, implementing powers should be conferred on the Commission with respect to temporarily approving for marketing FRM of one or more species which satisfies less stringent requirements than the ones set out in this Regulation concerning the approval of basic material.~~

(57) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission with respect to deciding on the organisation of temporary experiments to seek improved alternatives to the requirements of this Regulation as regards the assessment and approval of basic material and the production and marketing of FRM.

(57a) In order to ensure uniform conditions for the implementation of this Regulation, while enabling the implementation of national or regional approaches concerning the production and marketing of FRM and aimed at improvement of the quality of the FRM concerned, protection of the environment, or contribution to the protection of biodiversity and the restoration of forest ecosystems, implementing powers should be conferred on the Commission with respect to authorising Member States, under certain conditions, to adopt more stringent or additional requirements for the approval of basic material and the production of FRM, to restrict the approval of basic material intended for the production of FRM of the category "source-identified" or to prohibit the marketing to the end user with a view to sowing or planting in all or part of its territory of specified reproductive material in case that material is not suitable for forestry ecological conditions and purposes of the Member State concerned.

(57b) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission with respect to deciding if FRM of specific genera, species, or categories and, where appropriate, deriving from specific types of basic material or of a specific region of provenance, produced in a third country fulfils requirements equivalent to those applicable to FRM produced and marketed in the Union.

(57c) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission with respect to laying down certain rules on uniform practical arrangements for the performance of the official controls to verify compliance with the rules on FRM.

(57d) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission with respect to specifying the technical format, including digital submission and processing, for the reports to be submitted by the Member States to the Commission on quantities of certified FRM by

categories per year, number of adopted contingency plans, available and relevant websites and/or national planters' guides, quantities of FRM per genera and species imported from third countries, penalties, and number of registered professional operators.

(57e) The implementing powers conferred on the Commission under this Regulation should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[21].

(58) ~~To improve consistency of FRM rules with~~ ***Only healthy FRM should be allowed for marketing throughout*** the Union ~~plant health legislation, Articles 36, 37, 40, 41, 49, 53 and 54~~***. FRM marketed in accordance with this Regulation, should also comply with the rules set out in, or pursuant to, the relevant provisions*** of Regulation (EU) 2016/2031 ~~should apply to the production and marketing of FRM~~ ***concerning Union quarantine pests, protected zone quarantine pests and Union regulated non-quarantine pests, and with the measures adopted*** pursuant to ~~this~~ ***Article 30(1) of that*** Regulation~~. In order to ensure consistency with the rules of Regulation (EU) 2016/2031 on plant passports, it should be allowed to combine the official label for FRM with the plant passport.~~

(58a) Quality pests are pests that are not subject to Regulation (EU) 2016/2031. They can occur during the production of FRM, and when FRM is stored for a long period under conditions of excessive moisture or humidity. Their presence on FRM that is marketed should therefore be so low that there is no adverse effect on its quality.

(58b) In order to improve consistency of rules concerning FRM with the rules of Regulation (EU) 2016/2031 on plant passports, it should be allowed to combine the official label for FRM with the plant passport.

(59) ***Because of the specificities of the FRM sector, this*** Regulation ~~(EU) 2017/625~~ should ~~be amended in order to include in its scope rules on official controls in regards to FRM. This is to ensure more consistent official controls and enforcement of the rules across Member~~

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[21] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).

~~States concerning FRM, and consistency with other Union acts concerning~~ ***contain specific provisions on*** the official controls of ~~plants,~~ ***FRM. In order to ensure that official controls are applied consistently across Member States and in order to create synergies with the system of official controls concerning similar sectors*** in particular ***that of plant health in addition to enabling Member States to use existing instruments and tools such as IMSOC for the verification of compliance with the rules on FRM***, ***provisions on official controls in this*** Regulation ~~(EU) 2016/2031 and~~ ***should be supplemented by the necessary provisions of*** Regulation (EU) ~~…/…~~ ~~of the European Parliament and of the Council~~***2017/625***.

(59a) It is understood that Member States' competent authorities entrusted with carrying out tasks under this Regulation can be the competent authorities designated in accordance with Article 4 of the Regulation (EU) 2017/625 responsible for the organisation of the official controls and other official activities in other areas.

(60) Regulations (EU) 2016/2031 and ***(EU)*** 2017/625 should therefore be amended accordingly.

(61) For reasons of legal clarity and transparency, Directive 1999/105/EC should be repealed.

(62) Since the objective of this Regulation, namely to ensure a harmonised approach with regard to the production and marketing of FRM, cannot be sufficiently achieved by the Member States but can rather, by reason of its effects, complexity, and international character, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not exceed what is necessary in order to achieve that objective. In this view, and as necessary, it introduces derogations or specific requirements for certain types of FRM and professional operators.

(63) In view of the time and resources required for the competent authorities and the professional operators concerned to adapt to the new requirements set out in this Regulation, this Regulation should apply from … [~~3~~ ***5*** years from the date of entry into force of this Regulation]~~.~~

(63a) FRM produced before … [the date of application of this Regulation] in accordance with Directive 1999/105/EC or national rules should be allowed to continue to be marketed until exhaustion of the respective stocks. FRM produced in accordance with Directive 1999/105 should be allowed to continue to be marketed with a master certificate issued pursuant to that Directive. This is necessary in order to avoid any disruption of the production and marketing of FRM in the Union.

HAVE ADOPTED THIS REGULATION:

CHAPTER I
GENERAL PROVISIONS

Article 1

Subject matter

This Regulation sets out rules concerning the production ***with a view to marketing,*** and marketing of forest reproductive material ('FRM') and in particular requirements for the approval of basic material intended for the production of FRM, the origin ~~and traceability~~ of that basic material ***and traceability of FRM, requirements for official controls***, FRM categories, requirements for FRM identity and quality, certification, labelling, packaging, imports, professional operators, the registration of basic material and the national contingency plans.

Article 2

Scope *and objectives*

1. This Regulation applies to FRM of the tree species ***listed in Annex I and their*** ~~and artificial~~ hybrids ~~thereof~~, ***considered as such if at least one of the parent species is*** listed in Annex I***, with a view to being marketed***.

2. The objectives of this Regulation are ***to contribute to the maintenance and establishment of resilient forests, to the restoration of forest ecosystems and to forest biodiversity, and to support forest ecosystem services and the planting of other trees in particular through*** ~~the following~~:

(a) ~~ensure~~ the ***sustainable*** production ~~and~~***,*** marketing ***and traceability*** of high-quality FRM in the Union and the ***proper*** functioning of the internal market in FRM;

(b) ~~help create resilient forests, conserve biodiversity and restore~~ ***the support of sustainable production of wood, biomaterials, biomass and other*** forest ~~ecosystems~~ ***products***;

(c) ***the*** support ~~wood and biomaterials production, climate adaptation, climate mitigation and the~~***of*** conservation ~~and sustainable use~~ of forest genetic resources***;***

(ca) the contribution to mitigation and adaptation of FRM and forests to climate change and to protection against soil erosion.

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 26, amending the list set out in Annex I ~~as specified in paragraph 3~~, taking into account:

(a) the ~~movement of vegetation zones and~~ ***ecological changes, shift of*** tree species~~,~~ ***and their*** ranges as a result of climate change;

(b) any developments of ~~technical or~~ scientific ***or technical*** knowledge.

~~Those~~***The*** delegated acts ***referred to in paragraph 3*** shall add ***tree*** species ~~and artificial hybrids~~ to the list in Annex I, if such species ~~and artificial hybrids~~ fulfil at least one of the following elements:

(a) ***they*** represent a significant area and economic value of FRM production in the Union;

(b) ***they*** are marketed ***as FRM*** in at least two Member States;

(c) ***they*** are considered important for ~~their contribution to~~ adaptation to climate change~~,~~ and ***conservation of forest genetic resources.***

The delegated acts referred to in the first subparagraph shall remove species ~~and artificial hybrids~~ from the list in Annex~~,~~ I***,*** if they no longer fulfil any of the elements set out in ***the*** ~~first~~***second*** subparagraph.

4. This Regulation does not apply to the following:

(a) plant reproductive material referred to in Article 2 of Regulation (EU) …/… [Office of Publications, please insert reference to Regulation on production and marketing of plant reproductive material];

(b) propagating material of ornamental plants as defined in Article 2 of Directive 98/56/EC;

(c) FRM produced ~~for~~ ***solely with the intention to*** export to third countries***, under the condition that it is identified as such***;

(d) FRM used ***solely*** for official testing, scientific purposes or selection work~~.~~***, under the condition that it is identified as such through labelling and traceability;***

(da) FRM when subject to service contracts for the purposes of cleaning, disinfection, treatments, and transport, provided that all the conditions are fulfilled:

(i) the provider of services does not acquire title to either that FRM or the product of the harvest;

(ii) the traceability of that FRM is ensured;

(iii) the professional operator producing that FRM has provided upon request the competent authority with a copy of the relevant parts of the contract made with the provider of services including the standards and conditions met by the FRM provided;

(iv) the provider of service processing that FRM for the purposes of cleaning, disinfection, treatments with the exception of transport services is registered in a register referred to in article 10 (1) b).

4a. For tree species not listed in Annex I of this Regulation and their hybrids, considered as such, if none of the parent species are listed in Annex I, Member States may take measures contained in this Regulation, or less stringent measures, or stricter measures, in respect of their own territory.

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

(1) 'forest reproductive material' ('FRM') means ~~cones, infructescenses, fruits and seeds intended for the production of a~~ ***seed units, parts of plants and*** planting stock, that belong to tree species ~~and artificial hybrids thereof~~ listed in Annex I ~~to this Regulation and~~ ***and their hybrids and are intended to be*** used for afforestation, reforestation***, diversification in a forest plot*** and other tree planting ***and direct seeding, for one or more*** ~~for any~~ of the following purposes:

(-a) multifunctional forestry;

(a) ***production of wood,*** ~~wood and~~ biomaterials ~~production~~***, biomass or other forest products***;

(b) ~~biodiversity conservation;~~

(c) ~~restoration of forest ecosystems;~~

(d) ~~climate adaptation;~~

(e) ~~climate mitigation;~~

(f) conservation ~~and sustainable use~~ of forest genetic resources~~.~~

~~(4)~~***(1a)*** 'seed unit' means cones, infructescenses, fruits and seeds intended for the production of a planting stock ***or for direct seeding***;

~~(5)~~***(1b)*** 'planting stock' means any plant or part of a plant used in plant propagation and comprises plants raised from seed units, from parts of plants, or from plants from natural regeneration;

~~(6)~~***(1c)*** 'parts of plants' means stem cuttings, leaf cuttings and root cuttings, explants or embryos used for micropropagation, buds, layers, roots, scions, ~~sets~~***stem-cutting without roots*** and any other parts of a plant used for the production of a planting stock;

(2) ‘afforestation’ means establishment of forest through planting and/or deliberate seeding ***including regionally adapted tree species*** on land that, until then, was under a different land use ***and*** implies a transformation of land use ~~form~~***from*** non-forest to forest[22];

(3) ‘reforestation’ means re-establishment of forest through planting and/or deliberate seeding ***and/or vegetative propagation and/or natural regeneration*** on land classified as forest[23];

(~~1~~4***3a***) ‘basic material’ means any of the following ***types as referred to in the table of Annex VI***: seed source, stand, seed orchard, parents of family(ies), clone or clonal mixtures;

~~(4) ‘seed unit’ means cones, infructescenses, fruits and seeds intended for the production of a planting stock;~~

(5) ‘planting stock’ means any plant or part of a plant used in plant propagation and comprises plants raised from seed units, from parts of plants, or from plants from natural regeneration;

~~(6) ‘parts of plants’ means stem cuttings, leaf cuttings and root cuttings, explants or embryos used for micropropagation, buds, layers, roots, scions, sets and any other parts of a plant used for the production of a planting stock;~~

~~(7) ‘production’ means all stages in the generation of the seed and plants, the conversion from seed unit to seed, and the raising of plants from a planting stock, with a view for the respective FRM to be marketed;~~

(8) ‘seed source’ means the trees within ~~an~~***a defined*** area, from which ~~seed~~ ***FRM*** is collected;

(9) ‘stand’ means a delineated population of trees possessing sufficient uniformity in composition;

(10) ‘seed orchard’ means a plantation of selected trees, where each ~~tree~~ ***individual*** is identified by a clone~~,~~ ***or*** family ~~or provenance,~~ which is isolated or managed to avoid or reduce

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~~22~~ ~~FAO (2020) Global Forest Resources Assessment Terms and definitions. https://www.fao.org/3/I8661EN/i8661en.pdf.~~

~~23~~ ~~FAO (2020) Global Forest Resources Assessment Terms and definitions. https://www.fao.org/3/I8661EN/i8661en.pdf.~~

pollination from outside sources, and managed to produce frequent, abundant and easily harvested crops of seed ***units***;

(11) ‘parents of family(ies)’ means trees used as parents to obtain progeny by controlled or open pollination of one identified parent used as a female ~~(‘mother tree’)~~, with the pollen of one ~~‘father tree’,~~ ***parent (***full sibling) or a number of identified or unidentified ~~‘father trees’~~ ***parents*** (half-sibling);

(12) ‘clone’ means a ***single individual or*** group of individuals (ramets) derived originally from a single individual (ortet) by vegetative propagation, for example by cuttings, micropropagation, grafts, layers or divisions***, or derived originally from cell lines***;

(13) ‘clonal mixture’ means a mixture of identified clones in defined proportions;

~~(14) ‘basic material’ means any of the following: seed source, stand, seed orchard, parents of family(ies), clone or clonal mixtures;~~

(15) ‘unit of approval’ means the entire area ***or individual(s)*** of basic material for the production of FRM that has been authorised by the competent authorities;

(16) ~~‘unit of notification’ means the entire area of basic material for the production of FRM intended for the purpose of the conservation and sustainable use of forest genetic resources that has been notified to the competent authorities;~~

(17) ‘seed lot’ means a set of seeds collected from approved basic material and processed uniformly;

(18) ‘plant lot’ means a set of ~~planting stock that has~~***plants that have*** been grown from a single seed lot or a vegetatively propagated planting stock which has been raised in a delineable area and processed uniformly;

(18a) Lot means any of the following: seed lot, seed unit lot, plant lot or parts of plant lot

(18b) ‘seed unit lot’ means a set of seed units collected from approved basic material and processed uniformly;

(18c) ‘parts of plants lot' means a set of parts of plants collected and processed uniformly;

(19) ‘lot ~~number’~~ ***code*** means the identification ~~number~~ ***code*** of the ~~seed lot or plant lot, as appropriate~~ ***lot***;

(20) ‘provenance’ means the ***name of the*** place in which any ***seed source or*** stand of trees is growing;

(21) ~~‘sub-species’ means a group within a species that has become somewhat phenotypically and genetically different from the rest of the group;~~

(22) ‘region of provenance’ means~~, in regard to species or sub-species,~~ the area or group of areas subject to sufficiently uniform ecological conditions, in which stands or seed sources showing similar phenotypic or genetic characteristics are found, taking into account altitudinal boundaries, where appropriate;

(23) ‘autochthonous ***seed source or*** stand’ means ~~a~~ ***a seed source or*** stand ~~of native tree species~~ which has been continuously ***and naturally*** regenerated ~~either by natural regeneration~~ or artificially ***regenerated*** from FRM collected in the same ***seed source or*** stand ***or in other autochthonous seed sources*** or stands ~~of native tree species within~~***in the*** close proximity;

(24) ‘indigenous ***seed source or*** stand’- means ~~an autochthonous stand or a~~***a seed source or*** stand ***of tree species located in a specific region of provenance that is part of the natural distribution range of that species,*** raised ~~artificially~~ from seed~~, where~~ ***or vegetatively propagated,*** the origin of ~~this stand and the stand itself are located in~~ ***which is situated within*** the same region of provenance;

(25) ‘origin’ means the following:

(a) for an autochthonous seed source or stand, the place in which the trees are growing;

(b) for a non-autochthonous seed source or stand, the place from which the seed or plants were originally introduced;

(c) for a seed orchard, the places where its components were originally located, such as their provenances or other relevant geographical information;

(d) for the parents of families, the places where their components were originally located, such as their provenances or other relevant geographical information;

(e) for a clone, ~~the origin is~~ the place, where the ortet ***or cell line*** is or was initially located or selected;

(f) for a clonal mixture, ~~the origins are~~ the places, where the ortets ***or cell lines*** are or were initially located or selected;

(26) 'location of the basic material' means the geographical area or geographical position(s) of the basic material as appropriate for each category of FRM;

(27) ~~'place of production of clones or clonal mixtures or parents of families' means the place or exact geographical position, where the FRM was produced;~~

(28) 'foundation stock' means a plant, group of plants, FRM, DNA stock or genetic information of the clone, or clones in case of clonal mixture, that serves as a reference material for the control of the identity of the clone(s);

(29) ~~'set' means a stem cutting without roots;~~

~~(30)~~ ~~'marketing' means the following actions conducted by a professional operator: sale, holding or offering for the purpose of sale or any other way of transferring, distribution within, or import into the Union, whether free of charge or not, of FRM;~~

(31) 'professional operator' means any natural or legal person ~~involved~~ professionally in ***charge of*** one or more of the following activities:

(a) Production~~, including growing, multiplying and maintaining of the~~ ***of*** FRM;

(b) marketing of ~~the~~ FRM;

(c) ~~storage, collection, dispatching and processing of the FRM;~~

(~~7~~ **31a**) 'production' means all stages in the generation ***of lots of FRM, including harvest, collection, storage, processing, distribution, dispatching during those stages,*** ~~of the seed and plants, the~~ conversion ~~from~~***of*** seed unit ~~to seed, and the raising~~***lots and parts*** of plants ~~from a planting stock~~***lots, growing, multiplying***, ***maintaining, storage and harvest of plant lots*** with a view ~~for the respective FRM~~ to be marketed;

(30) 'marketing' means the following actions conducted by a professional operator: sale, holding or offering for the purpose of sale or any other way of transferring, distribution**,**

and dispatching, for the purpose of sale within, or import into the Union, whether free of charge or not, of FRM;

(32) 'competent authority' means a central or regional authority of a Member State, or, where applicable, the corresponding authority of a third country, responsible for the organisation of official controls, registration of basic material, certification of FRM***, registration of professional operators*** and other official activities concerning the production and marketing of FRM, or any other authority to which that responsibility has been conferred, in accordance with Union law;

(32a) 'delegated body' means a separate legal person to which the competent authorities have delegated certain official control tasks or certain tasks related to other official activities;

(~~38~~ ***32b***) 'category' means ***the classification of*** FRM ~~that qualifies~~ as source-identified, selected, qualified or tested material;

(33) 'source-identified' means a category of FRM derived from basic material consisting of either a seed source or stand located within a single region of provenance and which meets the requirements set out in Annex II;

(34) 'selected' means a category of FRM derived from basic material consisting of a stand located within a single region of provenance, which has been ~~phenotypically~~ selected at the population level and which meets the requirements set out in Annex III;

(35) 'qualified' means a category of FRM derived from basic material consisting of seed orchards, parents of family(ies), clones or clonal mixtures, the components of which have been ~~phenotypically~~ selected at the individual level, and which meets the requirements set out in Annex IV;

(36) 'tested' means a category of FRM derived from basic material consisting of stands, seed orchards, parents of family(ies), clones or clonal mixtures***, where the superiority of that FRM has been demonstrated by comparative testing or an estimate of the superiority of the FRM has been calculated on the basis of the genetic evaluation of the components of the basic material,*** and which meets the requirements set out in Annex V;

(37) 'official certification' means ~~certification of source-identified, selected, qualified and tested FRM, if all relevant inspections and~~***the procedure leading to the issuance of a***

master certificate and the issuance itself~~, where appropriate, sampling and FRM testing have been carried out~~ by the competent authority~~ and if it has been concluded that the FRM meets the respective requirements of~~***, as well as the procedure leading to, and the the issuance itself, of the official label, and according to the rules provided for in*** this Regulation;

(37a) 'official controls' means activities performed by the competent authorities responsible for the organisation of the official controls or by the delegated bodies or the natural persons to which certain official control tasks have been delegated, to verify the compliance with the respective requirements of this Regulation;

(37b) 'other official activities' means activities other than official controls performed by the competent authorities or by the delegated bodies or the natural persons to which certain other official activities have been delegated, concerning the approval, production and marketing of FRM.

(37c) 'documentary check' means the examination of the master certificates and other documents;

~~(38) 'category' means FRM that qualifies as source-identified, selected, qualified or tested material;~~

(40) 'NGT plant' means plants obtained by certain new genomic techniques as defined in Article 3, point 2 of Regulation (EU) [Office of Publications, please insert reference to Regulation on plants obtained by certain new genomic techniques and their food and feed] of the European Parliament and of the Council [24];

(41) ~~'seed transfer zones' means an area and/or altitudinal zones designated by the competent authorities for the movement of FRM belonging to the source-identified and selected categories, taking into account, as appropriate, the origin and provenance of the FRM, provenance trials, environmental conditions and future climatic change projections;~~

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[24] Regulation (EU) .../... of the European Parliament and of the Council on plants obtained by certain new genomic techniques and their food and feed, and amending Directives 68/193/EEC, 1999/105/EC, 2002/53/EC, 2002/55/EC, and Regulation (EU) 2017/625 (OJ ...).

(42) ‘deployment area ~~for seed orchards~~’ means the area designated by the competent authorities, in which FRM belonging to the qualified and tested categories is adapted to the climatic and ecological conditions of that area~~, taking into account, as appropriate, the location of the seed orchards and its components, results of progeny and provenance trials, environmental conditions and future climatic change projections;~~

~~(43) ‘deployment area for clones and clonal mixtures’ means the area designated by the competent authorities, in which FRM belonging to the qualified and tested categories is adapted to the climatic and ecological conditions of that area, taking into account, as appropriate, the origin or provenance of the clone(s), results of progeny and provenance trials, the environmental conditions and future climatic change projections;~~

(44) ‘FOREMATIS’ means the Forest Reproductive Material Information System of the Commission;

(45) ‘natural regeneration’ means the renewal of ~~a~~***the*** forest by ~~trees that develop from seeds which have fallen and germinated in situ~~***natural processes, including natural seeding, sprouting, suckering or layering;***

(46) ‘quality pests’ means pests fulfilling all of the following:

(a) they are not Union quarantine pests, protected zone quarantine pests, or regulated non-quarantine pests (‘RNQPs’) within the meaning of Regulation (EU) 2016/2031, nor pests subject to the measures adopted pursuant to Article 30(1) of that Regulation;

(b) they occur during FRM production or storage; and

(c) their presence has an unacceptable adverse impact on the quality of the FRM, and an unacceptable economic impact as regards the use of that FRM in the Union;

~~(47) ‘practically free from pests’ means completely free from pests, or a situation where the presence of quality pests on the respective FRM is so low that those pests do not affect adversely the quality of that FRM.~~

CHAPTER II
BASIC MATERIAL AND FRM DERIVING FROM IT

Article 4

Approval of basic material for the production of FRM

1. Only basic material approved by the competent authorities may be used for the production of FRM.

2. Basic material intended for the production of FRM to be certified as 'source-identified' shall be approved, if it fulfils the requirements set out in Annex II.

   Basic material intended for the production of FRM to be certified as 'selected' shall be approved, if it fulfils the requirements set out in Annex III.

   Basic material intended for the production of FRM to be certified as 'qualified' shall be approved, if it fulfils the requirements set out in Annex IV.

   Basic material intended for the production of FRM to be certified as 'tested' shall be approved, if it fulfils the requirements set out in Annex V.

   The assessment of the requirements laid down in Annexes II to V for the approval of basic material, may include besides visual inspection, documentary checks, tests and analyses or other complementary methods, also the use of ~~bio-molecular~~ ***biochemical and molecular*** techniques ***(BMT)***, if they are considered ~~more~~ appropriate for the purpose of that approval.

   The basic material for all categories shall be assessed for its sustainability characteristics as set out in Annexes II to V, to take into account the climatic and ecological conditions.

   The approval of the basic material shall be carried out with a reference to the unit of approval.

   The Commission is empowered to adopt delegated acts in accordance with Article 26 amending Annexes II, III, IV and V, as regards requirements for the approval of basic material intended for the production of:

(a) FRM of ***the*** 'source-identified' category~~, and in particular the requirements concerning types of basic material, effective size of the population, origin and region of provenance, sustainability characteristics;~~

(b) FRM of the 'selected' category~~, and in particular the requirements concerning origin, isolation, effective size of the population, age and development, uniformity, sustainability characteristics, volume production, wood quality, and form or growth habit;~~

(c) FRM of the 'qualified' category~~, and in particular the requirements concerning orchards, parents of family(ies), clones, and clonal mixtures;~~

(d) FRM of the 'tested' category~~, and in particular the requirements concerning characteristics to be examined, documentation, setting up the tests, analysis and validity of the tests, the genetic evaluation of the components of basic material, the comparative testing of FRM, provisional approval and early tests;~~.

(e) ~~FRM in accordance with the requirements of Regulation (EU) 2018/848 of the European Parliament and of the Council.~~

Those amendments shall adapt the rules for the approval of basic material to the development of scientific ~~and~~***/or*** technical knowledge, ~~and the development of the OECD Forest Seed and Plant Scheme and other applicable~~ ***including the use of biochemical and molecular techniques (BMT), and to the relevant*** international standards.

3. Only approved basic material shall be included under the form of a unit of approval in the national register pursuant to Article 12. Each unit of approval shall be identified by a unique register reference in a national register.

4. The approval of basic material shall be withdrawn, if the requirements set out in this Regulation are no longer met.

5. After approval, the basic material intended for the production of FRM under the selected, qualified and tested categories shall be re-inspected by the competent authorities at regular intervals.

6. ~~The Commission is empowered to adopt delegated acts in accordance with Article 26 amending Annexes II, III, IV and V, in order to adapt them to the development of scientific~~

~~and technical knowledge, in particular regarding the use of bio-molecular techniques and to the relevant international standards.~~

Article 5

Requirements for the marketing of FRM ~~derived from approved basic material~~

-1. FRM of the source-identified, selected, qualified or tested category may only be marketed within the Union:

(a) if it is accompanied by:

(i) an official label issued by the competent authorities; or

(ii) an official label issued by the professional operator under the official supervision of the competent authorities; and

(b) if it complies with paragraph 1; and

(c) if it is accompanied by a professional operator's document, as referred to in Article 16.

(d) if it is free from quality pests and their symptoms, or the presence of such pests on the respective FRM is so low that those pests do not affect adversely the quality of that FRM.

1. FRM derived from approved basic material shall be marketed ***by professional operators*** in accordance with the following rules:

(a) FRM of the ***tree*** species listed in Annex I ***and their natural hybrids*** may only be marketed, if it is of the categories 'source-identified', 'selected', 'qualified' or 'tested', and it has been derived from basic material that has been approved pursuant to Article 4 ~~and if that basic material meets the requirements of Annexes II, III, IV and V, respectively~~;

(b) FRM of the artificial hybrids ***of the tree species*** listed in Annex I may only be marketed, if it is of the 'selected', 'qualified' or 'tested' categories, and it has been derived from basic material that has been approved pursuant to Article 4 ~~and if that basic material meets the requirements of Annexes III, IV and V, respectively~~;

(c) ~~FRM of the tree species and artificial hybrids listed in Annex I, which are vegetatively reproduced, may only be marketed if:~~

(i) ~~it is of the 'selected', 'qualified' or 'tested' categories, and~~

(ii) ~~it has been derived from basic material which has been approved pursuant to Article 4 and which meets the requirements of Annexes III, IV and V, respectively;~~

(iii) ~~FRM of the 'selected' category, may only be marketed if it has been mass propagated from seeds;~~

(d) FRM of the tree species ~~and artificial hybrids~~ listed in Annex I~~,~~ ***and their hybrids*** which contains or consists ~~in~~ ***of*** genetically modified organisms, may only be marketed if:

(i) it is of the 'tested' category, and

(ii) it has been derived from basic material which has been approved pursuant to Article 4 ~~and which meets the requirements of Annex V~~; and

(iii) it is authorised for cultivation in the Union pursuant to Article 19 of Directive 2001/18/EC or Articles 7 and 19 of Regulation (EC) 1829/2003, or, where applicable, in the respective Member State in accordance with Article 26b of Directive 2001/18/EC;

(e) FRM of the tree species ~~and artificial hybrids~~ listed in Annex I ***and their hybrids***, which contain or consist of a category 1 NGT plant as defined in Article 3(7) of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation ...), may only be marketed if:

(i) it is of the 'tested' category, and

(ii) it has been derived from basic material which has been approved pursuant to Article 4 ~~and which meets the requirements of Annex V~~; and

(iii) the plant has obtained a declaration of category 1 NGT plant status pursuant to Article 6 or 7 of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation ...) or is progeny of such plant(s);

(f) ~~FRM of the tree species and artificial hybrids listed in Annex I, may only be marketed if it is accompanied by a reference to its master certificate number(s);~~

(g) ~~it complies with Articles 36, 37, 40, 41, 42, 49, 53 and 54~~***FRM marketed in accordance with this Regulation, shall also comply with the rules set out in, or pursuant to the relevant provisions*** of Regulation (EU) 2016/2031 concerning Union quarantine pests, protected zone quarantine pests~~, RNQPs,~~ and ***Union regulated non-quarantine*** pests ~~subject to~~***, and with*** the measures ~~under~~ ***adopted pursuant to*** Article ~~30~~***30(1)*** of that Regulation~~;~~**.**

(h) In the case of ~~seeds~~ ***seed lots***, FRM of the tree species ~~and artificial hybrids~~ listed in Annex I~~,~~ ***and their hybrids*** may only be marketed~~,~~ if**,** in addition to compliance with points (a) to (g), information is available as regards ***to***:

(i) ***the*** purity***, as measured by the percentage by weight of pure seed, other seed and inert matter***;

(ii) ***the*** germination percentage of the pure seed***, or in cases where germination testing is impossible or impractical, the viability percentage assessed by reference to a specified method***;

(iii) ***the*** weight of 1000 pure seeds;

(iv) the number of germinable seeds per kilogram ***or liter*** of product marketed as seed, or, where the number of germinable seeds is impossible or impractical to assess, the number of viable seeds per kilogram~~.~~ ***or liter;***

(iva) for artificial hybrids, the hybrid percentage.

In the case of small quantities, the requirements as laid down in subparagraph (ii), (iv) and (v) do not have to be fulfilled. The Commission shall, by means of implementing acts, determine the quantities for the respective species. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 27(2).

1a. ***By way of derogation from paragraph 1, point (h), in order to make seed of the current season's crop rapidly available, notwithstanding the fact that the examination in respect of germination as laid down in paragraph (h) points (ii) and (iv) has not been concluded, marketing of FRM may take place as far as to the first buyer. The respect of the conditions as laid down in paragraph (h) points (ii) and (iv), shall be stated by the professional operator as soon as possible. A professional operator that intends to make use of this derogation shall notify the competent authorities, once, its intention to make use of the derogation.***

2. The categories under which FRM from the different types of basic material may be marketed are as set out in the table in Annex VI.

3. The Commission is empowered to adopt delegated acts in accordance with Article 26(2), amending the table of Annex VI concerning categories under which FRM from the different types of basic material may be marketed.

That amendment shall adapt those categories to the development of scientific ~~and~~***or*** technical knowledge and ~~of~~***to*** the relevant international standards.

Article 6

~~Requirements for FRM derived from~~*Approval of* basic material ~~intended~~ for the purpose of ~~conserving~~*conservation of* forest genetic resources

1. ~~In order for FRM derived from~~ ***By way of derogation from Article 4(1), the competent authorities may authorise professional operators to approve*** basic material ***intended for the production of FRM for the purpose of conservation of forest genetic resources. Those professional operators shall be*** subject to the ~~derogation~~***requirements*** of Article ~~18 to be marketed, all the following conditions shall be fulfilled:~~***10(1) and (1a).***

2. ***In order to be granted the authorisation referred to in paragraph 1 in relation to the approval of basic material, for the production of FRM for the purpose of the conservation of forest genetic resources, the professional operator shall:***

(a) ~~FRM~~ ***possess the necessary knowledge for assessing the fulfilment*** of the ~~species listed in Annex I may only be marketed, if it is of the 'source-identified' category~~

requirements referred to in Article 4(2) and the requirements as set out in Annexes II to V;

(b) ~~FRM shall be of origin which is naturally adapted to the local and regional conditions; and~~ ***be qualified or employ qualified personnel to ensure compliance with the requirements referred to in Article 4(2) as set out in Annexes II to V.***

(c) ~~FRM shall be collected from all individuals~~ ***have the capability to assess the level of genetic diversity*** of the ~~notified~~ basic material ***concerned, to monitor the critical points for the approval of basic material, and keep records of the results of that monitoring***.

3. Professional operators authorised to approve basic material for the purpose of conservation of forest genetic resources pursuant to paragraph 1, shall ensure that basic material is approved with reference to a unit of approval in accordance with the requirements laid down in Annexes II to V concerning the conservation of forest genetic resources. They shall communicate the details of that unit of approval to the competent authority.

The competent authority shall decide on the inclusion of that approved basic material in the national register pursuant to Article 12, following verification of compliance with the requirements referred to in Article 4(2) as set out in Annexes II to V for the purpose of conservation of forest genetic resources.

4. In the case where the professional operator no longer fulfils the requirements of the paragraph 1, second subparagraph and paragraph 2, Article 10b shall apply accordingly concerning the withdrawal or modification of the authorisation referred to in paragraph 1.

5. The Commission may, by means of an implementing act, establish the specific conditions for assessing the eligibility of professional operators to be authorised to approve basic material and the conditions for the communication of the details of the unit of approval to the competent authority.

6 That implementing act shall take account of the development of applicable international standards. It shall be adopted in accordance with the examination procedure referred to in Article 27(2).

Article 7

Temporary authorisation of marketing of FRM ~~derived~~ *satisfying less stringent requirements or deriving* from basic material ~~not meeting the category~~ *satisfying less stringent* requirements

-1. In order to remove any temporary difficulties in the general supply of FRM satisfying the requirements of this Regulation that occur in one or more Member States and cannot be overcome within the Union, the Commission may, by means of implementing act, authorise one or more Member States to temporarily allow the marketing of FRM satisfying less stringent requirements than the ones referred to in Article 5(1) points (a), (b) and (h) and Article 8, or deriving from basic material which satisfies less stringent requirements than the ones referred to in Article 4(2), provided such authorization is justified to ensure achievement of the objectives of this Regulation. That implementing act shall determine the conditions of such authorisation:

(a) the maximum duration of the authorisation, which cannot exceed 12 months;

(b) obligations as regards official controls on the professional operators applying that authorisation;

(c) the Member State(s) that are concerned by the temporary authorisation;

(d) the areas, professional operators, species concerned for each Member State, as appropriate;

(e) other conditions for marketing as necessary for each Member State;

(f) the area in which the FRM may be marketed;

(g) restriction to certain categories.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 27(2).

1. ~~Competent authorities may temporarily authorise the marketing of FRM derived from approved basic material which does not meet all the requirements of the appropriate category referred to in Article 5(1), following the adoption of the delegated act referred to in paragraph 2.~~

~~The competent authorities of the respective Member State shall notify the Commission and the other Member States of those temporary authorisations and of the respective reasons justifying their approval.~~

1a. FRM referred to in paragraph -1 shall be accompanied by an official label and professional operator's document issued pursuant to Articles 16(1) and 16(1b). In addition, that professional operator's document shall state that the FRM concerned satisfies less stringent requirements than the ones referred to in Article 5(1) points (a), (b) and (h) and Article 8. or has been derived from basic material which satisfies less stringent requirements than the ones set out in Article 4(2).

2. ~~The Commission is empowered to adopt delegated acts, in accordance with Article 26, supplementing this Article, by setting out the conditions for the granting of the temporary authorisation to the Member State concerned.~~

~~Those conditions shall include:~~

(a) ~~the justification for granting that authorisation to ensure achievement of the objectives of this Regulation;~~

(b) ~~the maximum duration of the authorisation;~~

(c) ~~obligations as regards official controls on the professional operators applying that authorisation;~~

(d) ~~the content and form of the notification referred to in paragraph 1.~~

Article 8

Special requirements for certain species, categories and types of FRM

The Commission is empowered to adopt delegated acts, in accordance with Article 26, supplementing, as necessary, this Regulation as regards the requirements as appropriate for each type, species or category of FRM:

(a) concerning ~~fruit and seed lots~~ ***seed units*** of the species listed in Annex I as regards species purity;

(b) concerning parts of plants of ~~the~~ ***the tree*** species ~~and artificial hybrids~~ listed in Annex I ***and their hybrids*** as regards quality in relation to general characteristics, health and size;

(c) for external quality standards for Populus spp. propagated by stem cuttings or sets as regards defects and minimum dimensions for stem cuttings and sets;

(d) concerning planting stock of the ***tree*** species ~~and artificial hybrids~~ listed in Annex I ***and their hybrids*** as regards quality in relation to general characteristics, health, vitality and physiological quality;

(e) concerning planting stock to be marketed to users in regions ~~having a Mediterranean climate~~ ***with particular eco-climatic conditions*** as regards defects, size and age of the plants and, where appropriate, size of the container.

That delegated act shall be based on the experience gained by the application of the requirements as appropriate for each type, species or category of FRM as regards the provisions for inspections, sampling and testing, and isolation ~~distances~~. It shall adapt those requirements based on the development of the respective international standards, ~~the technical and~~ ***the development of*** scientific ~~developments~~ ***or technical knowledge***, or the climatic and ecological developments.

Article 9

Contingency ~~plan and national register~~ *plans*

1. Each Member State ~~shall~~***may*** draw up one or more contingency ~~plan~~***plans*** to ensure ***preparedness and capacity to establish*** a sufficient supply of FRM to reforest areas affected by extreme weather events, wildfires, ~~disease and~~***diseases,*** pest outbreaks, disasters or any other ***adverse*** event, as ~~relevant and~~ identified in the national risk assessments ~~develop~~***developed*** in accordance with Article 6(1) of Decision No 1313/2013/EU[25].

~~That~~***Those*** contingency plan***(s) may*** ~~shall~~ be prepared for ~~those~~***one or more of the*** tree species ~~and artificial hybrids thereof~~ listed in Annex I~~, that are deemed suitable for the~~ ***to this Regulation and the hybrids thereof, identified by the Member State(s) as ecologically relevant in view of their*** current and projected ~~future~~ climatic and ecological conditions ~~of~~

[25] OJ L 347, 20.12.2013, p. 924.

~~the Member State concerned~~ ***and as appropriate to address the identified risk(s) of shortage(s) of FRM***.

The contingency plan ~~shall take into account the projected future distribution of the relevant tree species and artificial hybrids thereof, on the basis of national and/or regional climate model simulations for~~***(s) may include the following elements, as appropriate for the need of*** the Member ~~State~~ ***states(s)*** concerned~~.~~***:***

(a) the assessment(s) of the risk(s) of shortage(s) of FRM and their potential impact on human, animal and plant health, and the environment, on the basis of the projected future distribution of tree species referred to in paragraph 1, and, where they are available, on the basis of climate model simulations;

(b) the roles and responsibilities of the actors involved in the execution of the contingency plan(s) and the actions to be taken by the competent authorities, professional operators and other relevant actors to ensure supply of FRM in the event of a major FRM shortage(s);

(c) the coordination with neighbouring Member States and neighbouring third countries, as applicable.

(d) a description of the resources and personnel to be maintained and deployed in the event of a major FRM shortage(s);

(e) how those resources and personnel will be deployed in the event of a major FRM shortage(s);

(f) a description of the coordination of actions between actors involved in the event of a major FRM shortage(s);

(g) principles concerning the appropriate competence of personnel of the competent authorities and, where appropriate, the bodies, public authorities, laboratories, professional operators and other persons referred to in paragraph 2(b);

(h) measures to inform the Commission, Member States, affected stakeholders and civil society, of major FRM shortages and measures taken to address those shortages;

(i) arrangements for recording a major FRM shortage(s);

(j) the method(s) to demarcate the geographical areas where a major FRM shortage(s) has occurred;

(k) the identification of the vulnerabilities in the supply of FRM including in terms of the socio-economic impact, and measures to reduce these.

~~2. Member States shall, at an appropriate stage, consult all relevant stakeholders in the process of drawing up and keeping up to date such contingency plans.~~

~~3. Each contingency plan shall include the following:~~

~~(a) the roles and responsibilities of the bodies involved in the execution of the contingency plan in case of any event causing a major shortage of FRM, as well as the chain of command and procedures for the coordination of actions to be taken by competent authorities, other public authorities, delegated bodies or natural persons involved, laboratories and professional operators, including the coordination with neighbouring Member States and neighbouring third countries, where appropriate;~~

~~(b) access of competent authorities to supplies of FRM that have been maintained for the purpose of contingency planning, premises of professional operators, in particular forest nurseries and laboratories producing FRM, other relevant operators and natural persons;~~

~~(c) access of competent authorities, where necessary, to equipment, personnel, external expertise and resources necessary for the rapid and effective activation of the contingency plan;~~

~~(d) measures concerning the submission of information to the Commission, the other Member States, the professional operators concerned and the public, as regards the major FRM shortage, and the measures taken against it in the event of an officially confirmed or suspected major FRM shortage;~~

~~(e) arrangements for recording findings of the presence of any major FRM shortage;~~

~~(f) the available assessments of the Member State as regards the risk of a major FRM shortage for its territory and its potential impact on human, animal and plant health, and the environment;~~

~~(g) principles for the geographical demarcation of the area(s) where a major FRM shortage has occurred;~~

~~(h) principles concerning the training of personnel of the competent authorities and, where appropriate, the bodies, public authorities, laboratories, professional operators and other persons referred to in point (a).~~

~~Member States shall regularly review and, where appropriate, update their contingency plans to take account of the technical and scientific developments in relation to climate model simulations addressing the projected future distribution of the relevant tree species and artificial hybrids thereof.~~

3. Member States shall review and, if necessary, update their contingency plans to take account of the developments of scientific or technical knowledge regarding the distribution of tree species and hybrids covered by those plans.

4. Member States shall make their contingency plans available to the Commission, the other Member States and all relevant professional operators through publication in FOREMATIS.

5. The Commission is empowered to adopt delegated acts, in accordance with Article 26 in order to supplement this Regulation by specifying the elements listed in paragraph 2 to support the establishment and implementation of the contingency plans.

~~4. Member States shall establish a national register that:~~

~~(a) contains the tree species and artificial hybrids listed in Annex I, which are relevant for the current climatic and ecological conditions of the Member State concerned;~~

~~(b) takes account of the projected future distribution of those tree species and artificial hybrids thereof.~~

~~Within 4 years from the date of establishment of their national registers, Member States shall establish contingency plans for the species and artificial hybrids included in their registers.~~

~~5. Member States shall collaborate with each other and with all relevant stakeholders for the establishment of their contingency plans, on the basis of an exchange of best practices and experience gained with the establishment of those plans.~~

~~6. Member States shall make their contingency plans available to the Commission, the other Member States and all relevant professional operators through publication in FOREMATIS.~~

~~CHAPTER III~~

CHAPTER IIb

REGISTRATION *AND AUTHORISATION* OF PROFESSIONAL OPERATORS AND ~~BASIC MATERIAL, AND DEMARCATION OF REGIONS OF PROVENANCE~~*OFFICIAL SUPERVISION BY THE COMPETENT AUTHORITIES*

Article 10

Obligations for professional operators

1. Professional operators shall ~~be registered in a register provided for in Article 65 of Regulation (EU) 2016/2031, in accordance with Article 66 of that Regulation.~~*:*

~~They shall~~ be established in the Union~~.~~*;*

(b) be registered in a register in each Member State where they have activities related to the production and marketing of FRM, as provided for in Article 65 of Regulation (EU) 2016/2031, for the activities related to the production and marketing of FRM, in accordance with Article 66 of that Regulation as applicable for those activities;

(c) be available personally or designate another person, to liaise with the competent authorities for facilitating the official controls.

1a. The professional operators shall inform the competent authorities if they no longer carry out the activities related to the production and marketing of FRM. In that case the competent authorities shall revoke the registration of that operator.

1d. Professional operators shall ensure traceability and identification of FRM at all stages of production and marketing, including information on the professional operators supplying FRM, and professional operators and/or users to whom FRM is supplied, and information contained in the official label and the professional operator's document. The professional operator shall have a system that allows monitoring the information relevant for traceability and identification of FRM for the purpose of own checks and official controls.

1c. The information referred to in paragraph 2 shall be stored forgery-proof for at least 10 years. That period shall begin at the end of the year in which the professional operator's document has been created. The information may be stored in digitally readable form. The Member States are allowed to regulate the content of the records and to require only digital records.

2. ***The*** professional operators shall ~~make~~ ***facilitate the access of users to the existing*** available ~~to the users of their FRM all necessary~~ information ***on FRM*** concerning its suitability for ~~current and projected future~~ climatic and ecological conditions ***based on available knowledge and data***. That information shall, prior to the transfer of the FRM concerned, be provided to the potential ~~purchaser~~ ***user*** through websites, planters' guides ~~and~~ ***or*** other appropriate means.

3. To the extent that this is necessary for the performance of official controls, professional operators shall, where required by the competent authorities, give staff of the competent authorities access to:

(a) the equipment, premises and other places, including basic material, under their control;

(b) their computerised information management systems;

(c) the forest reproductive material under their control;

(d) their documents and any other relevant information.

4. During official controls, professional operators shall assist and cooperate with the staff of the competent authorities in the accomplishment of their tasks.

5. The obligations of professional operators set out in paragraphs 4 and 5 shall also apply in cases where official controls are performed by delegated bodies and natural persons to which certain official control tasks or certain tasks related to have been delegated.

Article 10a

Authorisation of a professional operator under official supervision by the competent authority for production and marketing of FRM

1. Competent authorities may, upon application by a professional operator, authorise the professional operator to perform all or certain activities required for the production and marketing of FRM under official supervision of the competent authority and to issue an official label for that FRM.

In order to be granted such authorisation, and depending on the activities to be authorised for, the professional operator shall:

(a) possess the necessary knowledge for complying with the requirements referred to in Article 5;

(b) be qualified or employ qualified personnel, to carry out one or more of the following activities to ensure compliance with the requirements referred to in Article 5:

(i) inspections;

(ii) sampling;

(iii) testing.

(c) have identified, and have the capability to monitor the critical points of the production process which may influence the quality and identity of the FRM, and keep records of the results of that monitoring;

(d) have in place systems to ensure the fulfilment of the requirements concerning lots pursuant to Article 15 and issuance of the official label pursuant to Article 16.

2. The Commission is empowered to adopt delegated acts in accordance with Article 26, supplementing paragraph 1 by setting out one or more of the following elements:

(a) the procedure for the application submitted by the professional operator;

(b) specific actions to be taken by the competent authority, in order to confirm the compliance with paragraph 1, points (a) to (d).

Article 10b

Withdrawal or modification of the authorisation of a professional operator

1. Where an authorised professional operator no longer fulfils the requirements set out in Articles 10(1)c, 10(2) and 10a(1), the competent authority shall request the professional operator to take corrective actions within a specified period of time.

2. The competent authority shall without delay withdraw, or modify as appropriate, the authorisation, if the professional operator does not apply the corrective actions referred to in paragraph 1 within the specified period of time. In case it is concluded that the authorisation had been granted following fraud, the competent authority shall impose the appropriate penalties to the professional operator.

3. When the professional operator no longer performs the activities it is authorised for, on a temporary or permanent basis, it shall request the temporary suspension or withdrawal of its authorisation according to the instructions of the competent authority. This provision does not apply to business closures.

Article 10c

Official supervision by the competent authorities

1. For the purposes of the activities under official supervision, the competent authorities, shall conduct regular checks to ensure that the professional operator fulfils the requirements referred to in Article 10a(1).

2. The checks referred to in paragraph 1 shall consist, as necessary, of official inspections, sampling and testing of the FRM in order to confirm compliance of that material with the requirements referred to in Article 5.

The frequency of those checks shall be determined on the basis of the assessment of the potential risk of non-compliance of the FRM with those requirements.

3. Those checks may include the introduction of reference systems for the genetic verification of identity of FRM, such as biochemical and molecular techniques (BMT).

Chapter IIIa

REGISTRATION OF BASIC MATERIAL AND DEMARCATION OF REGIONS OF PROVENANCE

Article 11

Demarcation of regions of provenance for certain categories

Member States shall, for the relevant species of basic material intended for the production of FRM of the ‘source-identified’ and ‘selected’ categories, demarcate the regions of provenance.

The competent authorities shall draw up and publish on their website maps showing the demarcations of the regions of provenance. They shall make those maps available to the Commission and other Member States through FOREMATIS.

Article 12

National register ~~and national lists~~ of basic material

1. Each Member State shall establish, publish and keep updated, in electronic format, a national register of ~~the~~ basic material of the various species approved on its territory pursuant to Articles 4***, 6*** and 19 ~~and notified pursuant to Article 18~~**.**

It shall make that register ~~shall contain full details of each unit of approved basic material, together with its unique register reference~~ ***available in electronic format to the Commission and the other Member States through and in accordance with the format of FOREMATIS***.

~~By way of derogation from Article 4, the competent authorities shall immediately register in their national registers the basic material included, before … [OJ, please, insert the date of the of this Regulation], in their respective national registers referred to in Article 10(1) of Directive 1999/105/EC, without applying the registration procedure set out in that Article.~~

2. ~~Each~~ Member ~~State~~ ***States*** shall ~~establish, publish and keep updated a national list of basic material, which shall be presented as a summary of~~ ***present*** the national register~~. It shall make that list available in electronic format to the Commission and the other Member States through FOREMATIS~~ ***in a common form for each unit of approval of basic material***.

3. ~~Member States shall present~~ The national ~~list in a common form for each unit of approval of basic material. For the categories 'source-identified' and 'selected', it may contain only a summary description of the basic material, on the basis of regions of provenance~~ ***register shall include at least the following elements:***

   (a) ~~botanical name~~ ***scientific name of the genus and species and where appropriate the common name in an official Union language***;

   (b) category ***of FRM***;

   (c) ***type of*** basic material;

   (d) register reference ~~or, where appropriate, summary thereof, or identity code for region of provenance~~;

(e) location of basic material: a short name, if appropriate, and one of the following sets of particulars:

(i) for the 'source-identified' category, region of provenance and the ***exact geographical position(s) defined by latitude, longitude, and altitude or the*** latitudinal, longitudinal and altitudinal range;

(ii) for the 'selected' category, region of provenance and the geographical position defined by latitude, longitude and altitude or the latitudinal, longitudinal and altitudinal range;

(iii) for the 'qualified' category, the exact geographical position(s) defined by latitude, longitude and altitude ***or the latitudinal, longitudinal and altitudinal range***, where the basic material is maintained;

(iv) for the 'tested' category, the exact geographical position(s) defined by latitude, and longitude and altitude ***or the latitudinal, longitudinal and altitudinal range***, where the basic material is maintained;

(f) ~~area:~~ the size of a seed source(s), stand(s) or seed orchard(s)***, indicated in hectares or number of trees***;

(g) origin:

(i) indication whether the basic material is ~~autochthonous/indigenous, non-autochthonous/non-~~indigenous***, /non-indigenous or of*** ~~or if the origin is~~ unknown ***origin and, in the case it is indigenous, whether it is autochthonous***;

(ii) ~~non-autochthonous/ non-indigenous basic material, an indication of~~ ***information about*** the origin, if it is known;

(iii) in the case of seed orchards, provenances or other relevant geographic information where its components were originally located shall be stated if known. For seed orchards representing a more advanced stage of breeding, information from breeding records may substitute the information about origin and region(s) of provenance;

(h) ~~purpose~~***one or more purposes*** of use of FRM ***as referred to in Article 3 point (1)***;

(ha) other information relevant for the basic material;

(i) in the case of FRM of the 'tested' category, an indication whether ~~it is~~:

(i) ***it is authorised for cultivation as a*** genetically modified~~; or~~ ***organism, for cultivation in the respective Member State pursuant to Article 19 of Directive 2001/18/EC or Articles 7 and 19 of Regulation (EC) 1829/2003, or, where applicable, in the respective Member State in accordance with Article 26b of Directive 2001/18/EC***

(ii) ~~an~~***it contains or consists of a category 1*** NGT plant~~;~~ ***as defined in Article 3(7) of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation ...);***

(iii) it contains or consists of a category 2 NGT plant as defined in Article 3(8) of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation…);

(j) in the case of qualified and tested categories, information about the place of production of ***offsprings of parents of families,*** clone(s) or clonal mixture(s) ***, which means the place or exact geographical position***, where ~~appropriate.~~***the FRM was produced;***

(k) where a database of the competent authority is publicly accessible, a link to that data base including the master certificates and codes corresponding to the respective units of approval and/or a link to the database referred to in Article 14(13).

(l) information as regards the selection criteria that were applied for the approval of basic material in accordance with Annexes II to V, as applicable; documentation or evidence used to determine the origin of the basic material concerned.

In points (e)(i) to (iv), a uniform coordinate system as defined in the FOREMATIS shall apply.

4. By way of derogation from Article 4, the competent authorities shall immediately register in their national registers referred to in paragraph 1, the basic material included, before … [OJ, please, insert the application date of the this Regulation], in their respective national registers referred to in Article 10(1) of Directive 1999/105/EC, without applying the registration procedure set out in that Article.

Article 13

Union List of Approved Basic Material

1. On the basis of the national lists provided by each Member State in accordance with Article 12, the Commission shall publish a list entitled 'Union List of Approved Basic Material for the Production of Forest Reproductive Material'.

   That list shall be made available in electronic format through FOREMATIS.

2. ~~That list shall reflect the details given in the national lists referred to in Article 12(1) and show the area of utilisation.~~

CHAPTER IV

MASTER CERTIFICATE, LABELLING AND PACKAGING

Article 13a

Harvest and collection from basic material

1. The professional operator shall notify the competent authority of its intention to harvest FRM, within a reasonable period prior to harvesting, in order to allow the competent authority to organise controls.

2. In the case where FRM from the tree species listed in Annex I and their hybrids is harvested with the intention not to be marketed as FRM within the Union, the professional operator referred to in Article 3(31) shall indicate this in the notification.

3. During the collection and processing of FRM before marketing or direct use, the harvested FRM shall bear a provisional label issued by the professional operator, containing the unique reference to the basic material, the collection date, the name of

the professional operator, and the harvested quantity. That label shall be replaced by the official label, referred to in Article 16, once the respective requirements are fulfilled.

4. The competent authority may define the technical conditions to be considered during harvesting and collection.

5. The harvesting of FRM shall not compromise the regeneration of approved basic material for the purpose of conservation of forest genetic resources.

6. The professional operator responsible for FRM harvesting, extraction, cleaning and packaging shall ensure that the seed units lots and parts of plants lots are sufficiently homogenous prior to marketing or use in accordance with the applicable international standards.

7. Professional operators shall maintain for a period of at least 10 years and upon request, supply the competent authority with records which shall contain details of all consignments that have been detained and marketed.

Article 14

Master certificate of identity

1. ~~The competent authorities shall issue, upon application of a professional operator, after harvesting the FRM from approved basic material, a~~ ***The*** master certificate of identity ('master certificate')~~, showing the unique register reference of basic material, for all FRM that has been harvested.~~ ***shall attest that the FRM complies with one of the following:***

~~The master certificate shall attest compliance with the requirements of Article 4(2).~~

~~The Commission shall, by means of an implementing act, adopt the content and the model for the master certificate of identity for FRM:~~

(a) ~~Model master certificate for FRM that is derived from seed sources and stands~~***it derives from a single unit of approved basic material in accordance with the requirements of Article 4(2)***;

(b) ~~Model master certificate for FRM that is derived from seed orchards or parents of family(ies)~~ ***it derives from a mixture of seed lots according to Article 15(3)***~~; and~~

(c) ~~Model master~~ ***it is imported and its official*** certificate ~~for FRM that is derived from clones and clonal mixtures.~~ ***is replaced in accordance with Article 25(3), point (a);***

(d) it derives from a subsequent vegetative propagation according to Article 15(2).

~~That implementing act~~ ***The competent authorities*** shall ~~be adopted in accordance with the examination procedure referred to in Article 27(2)~~***issue the master certificate, bearing a unique code upon application of a professional operator, as soon as possible, after harvesting or extraction of the seeds depending on the circumstances and on the nature of the material, or after importing the FRM, showing the unique register reference of basic material, for the FRM***.

1a. The Commission shall, by means of an implementing act, adopt the content and the model for the master certificate of identity for FRM, and in particular for all of the following:

(a) Model master certificate for FRM that is derived from seed sources and stands;

(b) Model master certificate for FRM that is derived from seed orchards or parents of family(ies);

(c) Model master certificate for FRM that is derived from clones and clonal mixtures.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 27(2).

2. Where in accordance with Article 15(2) a Member State adopts measures as regards subsequent vegetative propagation, a new master certificate shall be issued.

3. Where mixing takes place in accordance with Article 15(3), Member States shall ensure that the register references of the components of the mixtures are identifiable, and a new master certificate ~~or other document identifying the mixture~~ ***persuant to paragraph 1*** shall be issued. ***The professional operator shall notify the competent authority of its intention to carry out that mixing, within a reasonable period prior to that operation. The competent authority may decide to supervise the mixing process.***

4. Where a lot referred to in Article 15(1) is subdivided into smaller lots that are not processed uniformly and subjected to subsequent vegetative propagation, a new master

certificate shall be issued and a reference shall be made to the previous master certificate ~~number~~ ***code***.

4a. Upon request from the professional operator, the competent authorities shall issue a master certificate, pursuant to paragraph 1, to replace a master certificate issued pursuant to Directive 1999/105/EC. In that case, the master certificate shall bear the statement: "The basic material complies with the requirements of Directive 1999/105/EC."

5. A master certificate may also be issued in an electronic form ('electronic master certificate').

The Commission may, by means of implementing acts, set out technical arrangements for the issuance of electronic master certificates, for ensuring their compliance with this Article and an appropriate, credible and effective mode for the issuance of electronic master certificates. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

6. The Commission is empowered to adopt delegated acts, in accordance with Article 26, supplementing this Article, by setting out rules on:

(a) digital recording of ~~all~~***the main*** actions ~~taken by the professional operator and the competent authorities, in order to issue~~***concerning the verification of the requirements for the approval of the basic material, which lead to the issuance of*** the master certificate; ~~and~~

(b) ***the*** establishment of a centralised platform that connects all the Member States and the Commission, to facilitate the processing of, access to and use of those ***master certificates*** ~~records~~.

6a. Each Member State shall establish and update a national list of issued master certificates, and, upon request, make that list available to the Commission and the other Member states.

6b. The Commission may, by means of implementing acts, lay down rules concerning:

(a) the procedures and technical arrangements to ensure the issuance of accurate and reliable master certificates, and prevent risk of fraud;

(b) the procedures to be followed in the case of withdrawals of master certificates and for the issuance of replacement certificates;

(c) rules for the production of certified copies of master certificates;

(d) rules for the issuance of electronic certificates and for the use of electronic signatures.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

Article 15

Lots

1. FRM shall, during all stages of production ***and marketing***, be kept separated ***in lots,*** by reference to individual units of approval ~~of basic material to ensure traceability of the FRM to the approved basic material from which it has been harvested~~***and the master certificate, when issued***~~. FRM shall be harvested from those individual units of approval and marketed in lots that shall be sufficiently homogeneous and identified as distinct from other lots of FRM.~~

Each lot of FRM shall be identified by the following:

(a) lot ~~number~~***code (at the time of harvest, the master certificate reference may be the lot code)***;

(aa) purpose(s);

(b) master certificate code ~~and number~~***, upon issuance of the master certificate***;

(c) ~~botanical name~~***scientific name of the genus and species and where appropriate the common name in an official Union language***;

(d) category of FRM;

(e) ***type of*** basic material;

(f) register reference ~~or identity code for region of provenance~~;

(g) region of provenance for FRM of the 'source-identified' and 'selected' categories or other FRM if appropriate;

(h) ***origin,*** if appropriate, whether the ~~origin of the~~ basic material is ~~autochthonous or~~ indigenous~~, non-autochthonous or~~ non-indigenous~~,~~ or unknown ***and, in the case it is indigenous, whether it is autochthonous***;

(i) in the case of seed units, the year of ripening;

(j) age and type of planting stock of seedlings or cuttings, whether undercuts, transplants or containerised;

(k) for the 'tested' category whether ~~it is~~:

(i) ***it is authorised for cultivation as a*** genetically modified ***organism, for cultivation in the respective Member State pursuant to Article 19 of Directive 2001/18/EC or Articles 7 and 19 of Regulation (EC) 1829/2003, or, where applicable, in the respective Member State in accordance with Article 26b of Directive 2001/18/EC***;

(ii) ~~an~~***it contains or consists of a category 1*** NGT plant ***as defined in Article 3(7) of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation …);***

(iia) it contains or consists of a category 2 NGT plant as defined in Article 3(8) of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation).

2. Without prejudice to paragraph 1 ~~of this Article and to Article 5(1), point (c), Member States~~***, professional operators*** shall keep separately FRM, which is subject to subsequent vegetative propagation and shall identify it as such. ~~Such FRM shall have been harvested from a single unit of approval in the 'selected', 'qualified' and 'tested' categories.~~ In such cases, the produced FRM shall assume the same category as the original FRM.

3. Without prejudice to paragraph 1, the mixing ***lots of seeds or parts of plants*** ~~of FRM~~ shall be subject to ***one or more of*** the following conditions, as ~~appropriate~~***applicable***:

(a) within the ‘source-identified’ or ‘selected’ categories, mixing shall apply to ~~FRM~~***seed lots*** derived from two or more units of approval within a single region of provenance;

(aa) it shall only take place within the same species, region of provenance and category;

(b) in the case of mixing of ~~FRM~~***seed lots*** within a single region of provenance, from seed sources and stands in the ‘source-identified category, the new combined lot shall be certified as ‘~~FRM~~***seed lots*** derived from a seed source’;

(c) in the case of mixing of ~~FRM~~***seed lots*** derived from ~~non-autochthonous or~~ non-indigenous basic material with that from basic material of unknown origin, the new combined lot shall be certified as being ‘of unknown origin’;

(d) in the case of mixing ~~of FRM~~***seed lots*** derived from a single unit of approval from ***one or*** different years of ripening, the actual years of ripening and proportion of ~~FRM~~***seeds*** from each year shall be recorded.

(da) in the case of mixing lots of parts of plants derived from a single unit of approval from one or different years of collection, the actual years of collection and proportion of parts of plants from each year shall be recorded.

In the case of mixing in accordance with the first subparagraph, points (a), (b) or (c), the identity code for the region of provenance may be substituted for the register reference as in paragraph 1, point (f). ***The resulting lot shall be mixed in such a way that it is homogeneous.***

Article 16

Official label *and professional operator's document*

1. An official label shall be issued ~~by the competent authority for every~~ ***and printed, for each*** lot of FRM ~~attesting compliance of that FRM with the requirements referred to in Article 5.~~***for marketing with reference to a master certificate code and lot code, by***

(a) the authorised professional operator or a person contracted by that professional operator under the official supervision of the competent authority;

~~1~~*(b) the competent authority;*

This official label shall attest compliance with the requirements of Articles, 5, 8 as applicable, and 15.

An official label does not need to be issued and printed in the case of a lot of FRM held and offered for the purpose of sale. However, in that case a reference to the master certificate code and lot code shall be ensured.

1a. That official label shall ensure unique identification and traceability of the lot by accompanying that lot during all stages of marketing as referred to in paragraph 1.

1b. In case of delivery of lots of FRM to another user, the professional operator, in addition to the official label, shall issue and print a professional operator's document for each delivered lot which may be combined with a delivery note or an invoice.

1c. Official labels shall:

(a) be authentic and accurate;

(b) be drawn up in one or more of the official languages of the institutions of the Union and, where relevant, in one of the official languages of the Member State of destination;

4. ~~In addition to the information required under Article 15(1),~~ The official label shall contain all ~~the following information~~ ***elements listed in points (a), (b), (c), (d), (da), (f) and (k) of Article 15(1), as well as***:

~~(a) master certificate number(s) issued in accordance with Article 14 or a reference to the other document identifying the mixture available in accordance with Article 14(3);~~

(b) ~~name~~ ***the registration code*** of the ***supplying*** professional operator ***issuing the official label or to whom the official label has been issued by the competent authority***;

(c) ~~quantity supplied;~~

(d) in the case of FRM of the 'tested' category, whose basic material is approved under Article 4***20***, the words 'provisionally approved';

~~(e) whether the FRM has been vegetatively propagated.~~

The official label may further include a digital element, such as a QR code, containing any of the above elements and the elements of the professional operator's document as referred to in paragraph 4a.

In a non-official part, that label may also include one or more elements of the professional operator's document as referred to in paragraph 4a.

4a. The professional operator's document shall contain all of the following elements:

(a) all elements as referred to in points b to d of paragraph 4;

(b) all elements as referred to in Article 15(1) not mentioned in paragraph 4;

(c) the address and name of the professional operator and registration code;

(d) the quantity of FRM supplied;

(e) Member State(s) of production and/or where applicable third country of origin of the respective FRM;

(f) the name and address of the recipient of the respective FRM;

(g) date of issuing the professional operator's document;

(h) code of the professional operator's document;

(i) whether the FRM has been vegetatively propagated;

(j) additional information in the case of seed lots as refereed to in Article 5(1) point (h);

(i) purity, as measured by the percentage by weight of pure seed, other seed and inert matter ;

(ii) germination percentage of the pure seed, or in cases where germination testing is impossible or impractical, the viability percentage assessed by reference to a specified method;

(iii) the weight of 1000 pure seeds;

(iv) the number of germinable seeds per kilogram or liter of product marketed as seed, or, where the number of germinable seeds is impossible or impractical to assess, the number of viable seeds per kilogram or liter;

(v) for artificial hybrids, the hybrid percentage.

In the case of small quantities of seed, as referred to in Article 5(1)(h), the information as required by this paragraph, subparagraph (ii) and (iv), may not be indicated on the professional operator's document.

4b. The professional operator's document may also include:

(a) an indication whether FRM is derived from autochthonous or non-autochthonous basic material, if so registered pursuant to Article 12(3) point (g);

(b) any additional information that the professional operator might consider appropriate for the marketing of the FRM concerned.

The official label shall be attached to the outside of the package, bundles, nets, containers or individual plants. Where the official label is combined with a plant passport, the rules of Article 88 of Regulation (EU) 2016/2031 shall apply.

5. The Commission ~~shall~~ ***may***, by means of implementing acts, set out the ~~following elements concerning~~ ***format, size, shape and colour of*** the official label ***and the professional operator's document for all or specific categories or other types of FRM.***
That implementing act shall specify the following elements:

(a) ~~content~~ ***Indication*** of the ~~official label~~ ***content***;

(b) ~~additional information in the case of seeds and small quantities of seeds;~~***colour of the label for specific categories or other types of FRM***

(c) ~~colour of the label for specific categories or other types of FRM~~ ***additional information in the case of seeds and small quantities of seeds***;

(d) additional information in the case of specific genera or species.

When defining the colour of the label referred to in point b), the Commission shall take into account the OECD Forest Seed and Plant Scheme and other applicable international standards.

Member States may decide not to apply point b) with respect to the use of the colour for the official label and the professional operator's document.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

6. An official label ***or professional operator's document*** may also be issued in an electronic form ('electronic official label'***/ 'electronic professional operator's document'***). ***In such case, a printed reference, such as QR-code, shall accompany the FRM concerned.***

The Commission may, by means of implementing acts, set out technical arrangements for the issuance of electronic official labels ***or professional operator's documents***, to ensure their compliance with this Article and an appropriate, credible and effective mode for the issuance of those official labels ***or professional operator's documents***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

7. The Commission is empowered to adopt delegated acts, in accordance with Article 26, supplementing this Article, by setting out rules on:

(a) digital recording of ~~all~~***the main*** actions taken by the professional operators and the competent authorities ~~in order to issue~~***, which lead to the issuance of*** the official labels ***and the professional operator's documents***;

(b) the establishment of a centralised platform that connects the Member States and the Commission to facilitate the processing of, access to and use of those records.

Article 17

~~Packages~~*Packaging* of seed units

Seed units may only be marketed in ~~sealed~~ ***closed*** packages ~~with that become unserviceable once the package is opened~~***, including nets or other containers, which are sealed. Those packages shall be sealed in such a way, that any of their opening is visible and traceable***.

In the case of recalcitrant seeds, that sealing shall not be required

CHAPTER V
DEROGATIONS FROM ARTICLE 4

~~*Article 18*~~

~~**Derogation from the obligation to be approved for basic material intended for the purpose of conserving forest genetic resources**~~

1. ~~By way of derogation from Article 4(1) and (2), the registration of basic material intended for the purpose of conserving forest genetic resources in the national register shall not be subject to approval by the competent authorities.~~

2. ~~Any professional operator registering basic material for the purpose of conserving forest genetic resources used in forestry, shall notify that basic material to the competent authority of the Member State concerned.~~

3. ~~Basic material referred to in paragraph 1 shall be notified to the competent authorities in accordance with the format of FOREMATIS.~~

   ~~The notification of the basic material shall be carried out with reference to the unit of notification.~~

   ~~Each unit of notification shall be identified by a unique register reference in a national register.~~

   ~~That notification shall contain the following information:~~

   (a) ~~botanical name;~~

(b) ~~category;~~

(c) ~~basic material;~~

(d) ~~register reference or, where appropriate, summary thereof, or identity code for region of provenance;~~

(e) ~~location: a short name, if appropriate, and the region of provenance and the latitudinal, longitudinal and altitudinal range;~~

(f) ~~area: the size of a seed source(s) or stand(s);~~

(g) ~~origin: indication whether the basic material is autochthonous/indigenous, non-autochthonous/non-indigenous or whether the origin is unknown. For non-autochthonous/ non-indigenous basic material, indication of the origin if known;~~

(h) ~~purpose: conservation and sustainable use of genetic resources.~~

4. ~~The Commission may, by means of implementing acts, establish the specific conditions as regards the requirements and content of that notification. Those implementing acts shall take account of the development of applicable international standards and shall be adopted in accordance with the examination procedure referred to in Article 27(2).~~

Article 19

Approval by professional operators of basic material intended for the production of FRM of the source–identified category

By way of derogation from Article 4(1) ~~and (2), Member States may~~ ***competent authorities may, upon the approval of the Commission,*** authorise professional operators to approve, for certain species, basic material intended for the production of ~~FRM of~~ the source-identified category, if the following conditions are fulfilled:

(a) the region of provenance, where the basic material is located, is subject to extreme weather ***and climatic*** conditions; ~~and~~

(b) those ***extreme*** weather ***and climatic*** conditions have an impact on the reproductive cycle of the basic material and decrease the frequency of ~~harvesting FRM from that basic material.~~ ***mast years, reducing the frequent availability of high quality FRM;***

(ba) the place of harvesting is remote and highly difficult for the competent authorities to access during the time of harvesting of FRM.

~~That authorisation shall be subject to approval by~~ The Commission ***shall, by means of an implementing act, grant the approval for each Member State for a certain defined period. The approval shall be granted if the conditions (a), (b) and (c) are fulfilled upon the request of the Member State concerned.***

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 27(2).

Article 20

Provisional approval of basic material intended for the production of FRM of the tested category

By way of derogation from Article 4(2), Member States may ~~allow the approval~~***approve***, for a maximum period of 10 years, ~~in all or part of their territory, of~~ basic material intended for the production of FRM of the 'tested' category where, from the provisional results of the genetic evaluation or comparative tests referred to in Annex V, it can be assumed that once the tests are completed, the basic material will satisfy the requirements for approval under this Regulation.

The Commission may, by means of an implementing act, specify the maximum number of units of approval and the maximum area size that is to be subject to that approval.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 27(2).

Article 21

~~**Temporary difficulties in supply**~~

1. ~~In order to overcome any temporary difficulties in the general supply of FRM that occur in one or more Member States, the Commission may, at the request of at least one Member States affected, temporarily authorise the Member States to approve for marketing, by means of an implementing act, FRM of one or more species that has been derived from basic material, which satisfies less stringent requirements than the ones set out in Article 4(1) and (2).~~

2. ~~Where the Commission acts in accordance with paragraph 1, the official label issued pursuant to Article 16(1) shall state that the FRM concerned has been derived from basic material which satisfies less stringent requirements than the ones set out in Article 4(1) and (2).~~

3. ~~The implementing act referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 27(2).~~

Article 22

Temporary experiments to seek improved alternatives to provisions of this Regulation

1. By way of derogation from Articles~~, 1,~~ 4 and 5, the Commission may decide, by means of implementing acts, on the organisation of temporary experiments to seek improved alternatives to provisions of this Regulation concerning the ***tree*** species ~~or artificial~~***listed in Annex I and their*** hybrids it applies to, the requirements for the approval of basic material and the production and marketing of FRM.

Those experiments may only be carried out if at least two Member States participate, upon their request.

Those experiments may take the form of technical or scientific trials examining the feasibility and appropriateness of new requirements compared to the ones set out in Articles~~ 1,~~ 4 and 5 of this Regulation.

2. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 27(2) and shall specify one or more of the following elements:

(a) the ***tree*** species~~ or artificial hybrids~~ concerned ***and, if appropriate, the provenance***;

(b) the conditions of the experiments per ***tree*** species or artificial hybrid;

(c) the duration of the experiment;

(d) the monitoring and reporting obligations of the participating Member States.

Those acts shall take into account the evolution of:

(a) the methods for the determination of the origin of the basic material including the use of ~~biomolecular~~***biochemical and molecular*** techniques ***(BMT)***;

(b) the methods for the conservation and sustainable use of forest genetic resources taking into account applicable international standards;

(c) the methods for ***production and*** reproduction, ~~production~~ including the use of innovative production processes;

(d) the methods for the design of crossing schemes of components of basic material;

(e) the methods for the assessment of characteristics of basic material and FRM;

(f) the methods for the control of the FRM concerned.

Those acts shall adapt to the evolution of techniques for production of the FRM concerned, and be based on any comparative trials and tests carried out by the Member States.

3. The Commission shall review the results of those experiments and summarise them in a report, indicating, if necessary, the need to amend Articles 1, 4 or 5.

Article 23

Authorisation to adopt more stringent requirements

1. By way of derogation from Article 4, the Commission, by means of implementing acts, may authorise Member States ~~to adopt, as regards the requirements for the approval of basic material and the production of FRM more stringent production requirements, than those referred to in that Article, in all or part of the territory of the Member State concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).~~***upon their request to:***

(a) adopt, as regards the requirements for the approval of basic material and the production of FRM, more stringent or additional production requirements, than those referred to in that Article, in all or part of the territory of the Member State concerned provided that those more stringent or additional production requirements do not impose, or result in, any prohibitions or restrictions on the

introduction into, or movement within and through, the Union territory of FRM which complies with this Regulation.

(b) restrict, in their territory, the approval of basic material intended for the production of FRM of the category "source-identified";

(c) prohibit the marketing to the end user with a view to sowing or planting in all or part of its territory of specified reproductive material, in case that FRM is not suitable for forestry ecological conditions and purposes of the respective Member State.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

~~2.~~ ~~For the purpose of the authorisation referred to in paragraph 1,~~***The request by the*** Member States shall ~~submit to the Commission a request setting out~~***include***:

(a) the draft provisions containing the proposed requirements; ***and***

(b) a justification on the necessity and proportionality of such requirements.

3. The authorisation referred to in paragraph 1 shall be granted only if all the following conditions are fulfilled:

(a) the measures requested ensure at least one of the following:

(i) the improvement of the quality of the FRM concerned;

(ii) the protection of the environment: adaptation to climate change~~ or the contribution to the protection~~***, enhancement*** of biodiversity, ***or*** restoration of forest ecosystems ***and supporting their functioning***;

(b) the measures requested are necessary and proportionate to their objective pursuant to point (a); and

(c) the measures are justified on the basis of the specific climatic and ecological conditions in the Member State concerned.

4. Where Member States have adopted additional or more stringent requirements pursuant to Article 7 of Directive 1999/105/EC, the Member States concerned shall, by … [one year after the ~~date of application of this Regulation~~***date of application of this Regulation***], ~~review those measures and repeal or amend~~***ensure that*** those measures ~~to~~***shall*** comply with this Regulation.

They shall inform the Commission and the other Member States of those actions.

CHAPTER VI
IMPORTS OF FRM

Article 24

Imports on the basis of Union equivalence

1. FRM may be imported from third countries to the Union only if it is established, pursuant to paragraph 2, that it fulfils requirements equivalent to those applicable to FRM produced and marketed in the Union.

2. The Commission may decide, by means of implementing acts, if FRM of specific genera, species ~~or~~***,*** categories ***and, where appropriate, deriving from specific types of basic material or of a specific region of provenance,*** produced in a third country, fulfils requirements equivalent to those applicable to FRM produced and marketed in the Union, on the basis of ~~all of~~ the following:

   (a) a thorough examination of the information and data provided by the third country concerned; ~~and~~

   (b) the satisfactory result of an audit carried out by the Commission in the third country concerned, where that audit has been considered necessary by the Commission;

   (c) ***whether*** that third country participates in the OECD Scheme for the Certification of Forest Reproductive Material Moving in International Trade.

   Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2) ***and shall set out the import conditions***.

2a. ***By way of derogation from paragraphs 1 and 2, the Commission, upon the request of at least one Member State, may, by means of an implementing act, temporarily allow the import of FRM of certain species from a third country not fulfilling the requirements of those paragraphs, if all of the following conditions are fulfilled:***

(a) ***there is a shortage of FRM of the respective species in one or more Member States, such as shortages caused by extreme weather events, wildfires, disease and pest outbreaks, disasters or any other adverse events, and that shortage cannot be addressed by the other Member States and/or countries for which equivalence has been granted in accordance with paragraph 2***

(b) ***the Member State(s) concerned have submitted evidence concerning the existence and the causes of that shortage of FRM;***

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2) and shall state the import conditions.

3. When adopting the decisions referred to in paragraph ~~1~~***2***, the Commission shall consider whether the systems, for approval and registration of basic material and subsequent production ***and marketing*** of FRM from that basic material, applied in the third country concerned provide the same guarantees as those provided for in Articles 4, 5 and, where applicable, Article 11, for the 'source identified', 'selected', 'qualified' and 'tested' categories.

Article 25

Notification and certificates of *FRM* imported ~~FRM~~ *from third countries*

1. The professional operators importing FRM into the Union shall inform the respective competent authority in advance of the import through the information management system for official controls (IMSOC) referred to in Article 131 of Regulation (EU) 2017/625.

2. Imported FRM shall be accompanied by all of the following:

(a) ~~a master~~***an OECD*** certificate or ~~another~~***an equivalent*** official certificate issued by the third country of origin;

(b) an ***OECD label or an equivalent*** official label; ~~and~~

(c) records containing details of that FRM provided by the professional operator in that third country.

3. Following the import referred to in paragraph 1, the competent authority of the Member State concerned shall replace:

(a) the ~~master~~***OECD*** certificate or ***the equivalent*** official certificate referred to in paragraph 2, point (a) with a new master certificate issued in the Member State concerned; and

(b) the ***OECD label or the equivalent*** official label***,*** referred to in paragraph 2, point (b) ***by a new official label , or***~~, with~~ a new official label ~~issued in the Member State concerned~~***shall be attached in addition to that OECD label or the equivalent label***. ***The new official label shall be accompanied with an professional operator's document, in accordance with Article 16(1b).***

3a. The new master certificate and the new official label referred to in paragraph 3, points (a) and (b), shall contain a reference to the original documents, respectively.

Chapter VIa
OFFICIAL CONTROLS

Article 25a
Official controls on forest reproductive material

1. Member States shall designate the competent authority or authorities on which they confer the responsibility to organise or perform official controls and other official activities. Those competent authorities may be the same authorities as those designated in accordance with Article 4 of Regulation (EU) 2017/625.

2. The competent authorities shall have arrangements in place to ensure:

(a) the effectiveness and appropriateness of official controls and other official activities;

(b) the impartiality, quality and consistency of official controls and other official activities;

(c) that staff performing official controls and other official activities are free from any conflict of interest: commercial activities related to FRM which are carried out by such staff on behalf of their Member State do not represent any conflict of interest;

(d) that staff performing official controls and other official activities are suitably qualified, experienced and trained for the performance of their duties; and

(e) that appropriate facilities and equipment are at the disposal of the staff for the performance of official controls and other official activities.

3. Competent authorities shall have the legal powers to perform official controls and other official activities and the legal procedures in place to ensure that staff have access to the premises of, and documents kept by, professional operators.

4. Competent authorities shall perform official controls on all professional operators on a risk basis and with appropriate frequency, taking into account of:

(a) identified risks of non-compliance with this regulation and the evolution of those risks;

(b) the activities under the control of professional operators; and

(c) any information indicating the likelihood that buyers of FRM might be misled, in particular as to the nature, identity, properties, composition, quantity, country of origin or place of provenance of FRM.

Member States may collect fees or charges to cover the costs of official controls and other official activities

5. Member States shall ensure that adequate financial resources are available to provide the staff and other resources necessary for the competent authorities to perform official controls and other official activities. This also applies in case of delegation of certain official control tasks and official activities.

6. Competent authorities may delegate certain official control tasks to delegated bodies or natural persons in application of Articles 28(1) and 29-31 except 29(b)(iv) of Regulation (EU) 2017/625. Competent authorities that have delegated certain official control tasks to delegated bodies or natural persons, or certain tasks related to other official activities to delegated bodies or natural persons, shall organise audits or inspections of such bodies or persons, as necessary to ensure the appropriate performance of those tasks. Competent authorities shall avoid duplication of audits and inspections taking into account any accreditation of the delegated bodies in accordance to standards relevant to the delegated tasks.

7. Member States shall ensure that the Commission is informed of the contact details and of any changes regarding the competent authorities designated in accordance with paragraph 1. That information shall also be made available by Member States to the public, including on the internet.

8. The Commission may, by means of implementing acts, lay down rules on uniform practical arrangements for the performance of the official controls to verify compliance with the rules on FRM regarding:

(a) specification of the arrangements referred to in paragraph 2;

(b) specific reporting obligations of the delegated bodies and natural persons referred to in paragraph 6.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

9. Any decision taken by the competent authority in application of Article 66 (3) and (6), Article 137(3) and Article 138 (1) and (2) of Regulation (EU) 2017/625 concerning natural or legal persons shall be subject to such persons' right of appeal in accordance with national law.

10. Methods used for sampling and laboratory analyses, tests and diagnoses for the purpose of determining the information as referred to in Article 5(1) point (h), shall comply with ISTA rules, or other comparable international standards, establishing those methods or the performance criteria for those methods.

Article 25b

Transparency of official controls

Competent authorities shall perform official controls with a high level of transparency and shall make available to the public, including through publication on the internet, relevant information concerning the organisation and the performance of official controls.

Article 25c

Commission controls in Member States

Commission experts may perform controls, including audits in each Member State to verify the application of the rules and the functioning of national control systems covered by this Regulation.

Such controls shall be organised in cooperation with the competent authorities of the Member States, shall be performed on a risk-based basis and may include on-the-spot verifications.

Member States shall take appropriate follow-up measures to remedy any specific or systemic shortcomings identified through the controls.

CHAPTER VII
PROCEDURAL PROVISIONS

Article 26

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article ~~2(2)~~***2(3)***, Article 4(2) ~~and(6)~~, Article 5(3), ~~Article 7(2)~~, Article ~~8(1)~~***8, Article 9(5)***, Article ~~14(6)~~***10a(2), Article 14(13)*** and Article 16(7) shall be conferred on the Commission for a period of 5 years from … [~~date of entry into force of this Regulation~~***date of entry into force of this Regulation***]. The Commission shall draw up a report in respect of the delegation of power no later than 9 months before the end of the five-year period. The delegation of power shall be tacitly

extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.

3. The delegation of power referred to in Article ~~2(2)~~***2(3)***, Article 4(2) ~~and (6)~~, Article 5(3), Article ~~7(2)~~***8***, Article ~~8(1)~~***9(5)***, Article ~~14(6)~~***10a(2), Article 14(13)*** and Article 16(7) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the ~~Official Journal of the European Union~~ ***Official Journal of the European Union*** or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article ~~2(2)~~***2(3)***, Article 4(2) ~~and (6)~~, Article 5(3), Article ~~7(2)~~***8***, Article ~~8(1)~~***9(5)***, Article ~~14(6)~~***10a(2), Article 14(13)*** and Article 16(7) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or of the Council.

Article 27

Committee procedure

1. The Commission shall be assisted by the Standing Committee on Plants, Animals, Food and Feed established by Article 58(1) of Regulation (EC) No 178/2002 of the European

Parliament and of the Council[26]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011[27].

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so requests.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

CHAPTER VIII

Reporting, penalties and amendments of Regulations (EU) 2016/2031 and 2017/625

Article 28

Reporting

By … [Office of Publications, please insert date of 5 years after the date of application of this Regulation], and every 5 years thereafter, Member States shall transmit to the Commission a report on the following:

(a) quantities of certified FRM ***by categories*** per year;

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[26] Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

[27] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(b) number of adopted national contingency plans ~~to prepare for FRM supply difficulties and the time needed to activate those contingency plans~~ ***refered to in Article 9***;

(c) ~~number of~~ ***information about the available and relevant*** websites and/or national planters' guides ~~containing information on where to best plant~~ ***providing advise on the best use of*** FRM;

(d) quantities of FRM per genera and species imported from third countries under Union equivalence ***as referred to in Article 24***;

(e) penalties imposed pursuant to Article 29.

(ea) number of registered professional operators.

The Commission shall, by means of implementing acts, specify the technical formats***, including digital submission and processing,*** for the report provided for in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

Article 29

Penalties

1. Member States shall lay down the rules on effective, proportionate and dissuasive penalties for infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. Member States shall, without delay, notify the Commission of those rules and measures and of any subsequent amendment affecting them.

2. Member States shall ensure that financial penalties for violations of this Regulation, perpetrated through fraudulent or deceptive practices, reflect, in accordance with national law, at least either the economic advantage for the professional operator or, as appropriate, a percentage of the professional operator's turnover.

2a. Where applicable, Member States may decide to apply rules on penalties laid down under Article 139 of Regulation 2017/625.

Article 30

Amendments of Regulation (EU) 2016/2031

Regulation (EU) 2016/2031 is amended as follows:

(1) in Article 37, paragraph 4 is replaced by the following:

‘4. The Commission shall, by means of an implementing act, where appropriate, set out measures to prevent the presence of Union regulated non-quarantine pests on the plants for planting concerned, as referred to in Article 36, point (f), of this Regulation. Those measures shall, where appropriate, concern the introduction into and the movement within the Union of those plants.***’ Those measures shall be adopted in accordance with the principles set out in Section 2 of Annex II to this Regulation***;’

(2) in Article 83, the following paragraph is added:

‘5a. In the case of plants for planting produced, or marketed, as categories source-identified, selected, qualified or tested, as referred to in Regulation (EU) …/…*+, the plant passport shall be ~~included~~***combined***, in a distinct form, ~~in~~ ***with*** the official label produced in accordance with the respective provisions of that Regulation.

Where this paragraph applies,

(a) the plant passport for movement within the Union territory shall contain the elements set out in ~~Parts E and F~~***Part E*** of Annex VII to this Regulation;

(b) the plant passport for introduction into, and movement within, a protected zone shall contain the elements set out in Part ~~H~~ ***F*** of Annex VII to this Regulation.’;

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* Regulation (EU) .../... of the European Parliament and of the Council of ... … (OJ ...).’;

\+ OJ: Please insert in the text the number of this Regulation and institutions and insert the number, date, title and OJ reference of this Regulation in the footnote. ’

(3) Annex VII is amended in accordance with Annex VII to this Regulation.

Article 31

Amendments of Regulation (EU) 2017/625

Regulation (EU) 2017/625 is amended as follows:

(1) in Article ~~1(2)~~***1***, the following ~~point is added~~ ***paragraph is inserted:***

~~'(l) production and marketing of forest reproductive material.;~~

(2a) Articles 8, 13, 28-33 except 29(b)iv and 33 (a), 43-46, 65-72 except Article 69(3), 75, 88-89, 102-108, 120, 130-138 except Article 130(4) shall apply, as relevant, to controls performed for the verification of compliance with requirements laid down in Regulation … on;'

(2) in ***Articles 31, 44, 45(3), 65, 66, 67, 71, 88, 102, 106, 107, 108, 120, 130, 131, 132, 133(1) first subparagraph, 138, where reference is made to*** Article ~~3~~***1(2)***, the following point is added ***after the reference to Article 1(2)***:

~~'(52)~~ ***'and 1 (2a)'.*** ~~'forest reproductive material' means material as defined in Article 3(1) of Regulation (EU) …/… of …*+~~

_____

* Regulation (EU) .../... of the European Parliament and of the Council of ... … (OJ ...).';

\+ OJ: Please insert in the text the number of this Regulation and institutions and insert the number, date, title and OJ reference of this Regulation in the footnote. '

(3) ~~the following article is inserted after Article 22a:~~

~~'Article 22b~~

~~Specific rules on official controls and for action taken by the competent authorities in relation to forest reproductive material~~

1. ~~Official controls to verify compliance with the rules referred to in Article 1(2), point (l), shall include official controls on the production and marketing of forest reproductive material, and on operators subject to those rules.~~

2. ~~The Commission is empowered to adopt delegated acts in accordance with Article 144 to supplement this Regulation by laying down rules for the performance of official controls on forest reproductive material in order to check compliance with Union rules referred to in Article 1(2), point (l), applicable to those goods and for action taken by the competent authorities following the performance of those official controls.~~

~~Those delegated acts shall lay down rules on:~~

(a) ~~specific requirements for the performance of such official controls on the production and marketing within, the Union of particular of particular forest reproductive material subject to the rules referred to in Article 1(2), point (l), to respond to non-compliance with the Union rules on forest reproductive material of a particular origin or provenance;~~

(b) ~~specific requirements for the performance of such official controls on the activities of professional operators related to the production of particular forest reproductive material subject to the rules referred to in Article 1(2), point (l), to respond to non-compliance with the Union rules on forest reproductive material of a particular origin or provenance; and~~

(c) ~~the cases where the competent authorities are to take one or more of the measures referred to in Article 137(2) and Article 138(2) in relation to specific non-compliances.~~

3. ~~The Commission shall, by means of implementing acts, lay down rules on uniform practical arrangements for the performance of official controls on plant reproductive material in order to verify compliance with Union rules referred to in Article 1(2), point (l), applicable to those goods and for action taken by the competent authorities following such official controls on:~~

(a) ~~uniform minimum frequency of such official controls, where a minimum level of official control is necessary to respond to recognised uniform risks of non-~~

~~compliance with the rules on forest reproductive material of a particular origin or provenance;~~

(b) ~~frequency of official controls performed by competent authorities on operators authorised to issue official labels under official supervision in accordance with Article 16(1) of Regulation (EU) …/…*+~~

~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 145(2).~~

~~_____~~

~~* Regulation (EU) .../... of the European Parliament and of the Council of ... … (OJ ...).'~~

~~+ OJ: Please insert in the text the number of this Regulation and institutions and insert the number, date, title and OJ reference of this Regulation in the footnote. '~~

CHAPTER IX
FINAL PROVISIONS

Article 32

Repeal of Directive 1999/105/EC

Directive 1999/105/EC is repealed.

References to that repealed act shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VIII.

Article 32a

Transitional measures

1. FRM produced, before [date of application] in accordance with the provisions of Directive 1999/105/EC or national rules, may continue to be marketed until exhaustion of the respective stocks. FRM produced in accordance with Directive 1999/105/EC may continue to be marketed with a master certificate issued pursuant to that Directive.

2. FRM produced in accordance with the provisions of Directive 1999/105/EC or national rules shall be accompanied with a label stating that it concerns 'FRM not approved according to the rules of [enter title of this Regulation].

Article 33

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply from … [~~3~~***5*** years after the date of entry into force of this Regulation].

It shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

Annex I

LIST OF TREE SPECIES ~~AND ARTIFICIAL HYBRIDS~~

Abies alba Mill.	~~Pinus canariensis C. Smith~~
Abies cephalonica Loud.	Pinus cembra L.
Abies grandis ***(Douglas ex D.Don)*** Lindl.	Pinus contorta ~~Loud~~***Douglas ex Loudon***
Abies nordmanniana (Steven) Spach	***Pinus heldreichii H. Christ***
~~Abies pinsapo Boiss.~~	Pinus halepensis Mill.
Acer platanoides L.	Pinus ~~leucodermis Antoine~~***mugo Turra***
Acer campestre L.	***Pinus nigra J.F. Arnold***
Acer monspenssulanum L.	***Pinus peuce Griseb.***
Acer opalus Milna	***Pinus tadea L.***
Acer pseudoplatanus L.	~~Pinus nigra Arnold~~
Alnus cordata (Loisel.) Duby	***Pinus uncinata Mill. ex Mirb***
Alnus glutinosa ***(L.)*** Gaertn.	Pinus pinaster ~~Ait.~~***Aiton***
Alnus lusitanica Vit. Douda & Mandak	
Alnus incana Moench ***(L.) Moench***	Pinus pinea L.
Betula pendula Roth.	Pinus radiata D. Don
Betula pubescens Ehrh.	Pinus sylvestris L.
Carpinus betulus L.	Populus spp. ~~and artificial hybrids between those species~~
Carpinus orientalis Mill.	***Pyrus pyraster (L.) burgsd.***
Castanea sativa Mill.	Prunus avium L.
	Prunus padus L.
Cedrus atlantica ~~Carr~~***(Endl.) G. Manetti ex Carrière***	Pseudotsuga menziesii ***(Mirb.)*** Franco

Cedrus libani A. ~~Richard~~***Rich***	Quercus cerris L.
Celtis australis L.	***Quercus frainetto ten.***
Ceratonia siliqua L.	
Chamaecyparis lawsoniana (A. Murray bis) Parl.	
Corylus colurna L.	
Cupressus sempervirens Smith	
Fagus orientalis Lipsky	
Fagus sylvatica L.	Quercus ilex L.
Fraxinus angustifolia Vahl.	Quercus petraea ***(Matt.)*** Liebl.
Fraxinus ornus L.	
Fraxinus excelsior L.	Quercus pubescens Willd.
Juglans spp.	
Larix decidua ***(L.)*** Mill.	Quercus robur L.
~~Larix x eurolepis Henry~~	Quercus rubra L.
Larix kaempferi ***(Lamb.)*** Carr.	Quercus suber L.
Larix sibirica Ledeb.	Robinia pseudoacacia L.
Malus sylvestris (L.) Mill.	***Salix alba L.***
Olea europea L.	***Sorbus aria (L.) Crantz***
Ostrya carpinifolia Scop.	***Sorbus aucuparia L.***
	Sorbus domestica L.
	Sorbus torminalis (L.) crantz
	Taxus baccata L.
	Thuja plicata Donn ex D.Don.
Picea abies Karst.	Tilia cordata Mill.
	Tilia tomentosa Moench

Picea sitchensis Carr. ***(Bong.) Carriere***	Tilia platyphyllos Scop.
Pinus brutia Ten.	***Ulmus glabra Huds***
	Ulmus laevis Pall.
	Ulmus minor Mill

Annex II

REQUIREMENTS FOR THE APPROVAL OF BASIC MATERIAL INTENDED FOR THE PRODUCTION OF FRM OF THE 'SOURCE-IDENTIFIED' CATEGORY

~~Part I~~*A.* ~~A.~~ General ~~requirement: The seed source or stand shall meet the criteria set by the competent authorities.~~ ***requirements:***

1. Assessment of basic material

The competent authority shall assess the seed source or stand with respect to the purpose(s) for which the FRM will be used, according to Article 3(1), and determine the criteria for selection on the basis of that (those) purpose(s). That (those) purpose(s) shall be indicated in the national register of the Member State concerned. There is little or no phenotypic selection of the basic material intended for the production of FRM of this category.

2. Origin

It shall be determined either by historical evidence (bibliography, documentation kept by competent authorities, research institutes or any other organisations) or by other appropriate means (provenance trials), including internationally recognised biochemical and molecular techniques (BMT), whether the seed source or stand is indigenous, non-indigenous or whether its origin is unknown and, in the case it is indigenous, whether it is autochthonous or not. For non-indigenous basic material the origin shall be stated if known.

3. Type of basic material and location

The basic material shall be a seed source or stand located within a single region of provenance.

~~Part II~~B. ~~B.~~ Specific requirements:

1. ~~Type of basic material~~ ***Number of harvestable and sexually mature trees***

Seed sources or stands shall consist of one or more groups of sexually mature trees (if possible). Those trees shall be well distributed and sufficiently numerous in a given area to maintain

genetic diversity, according to the available scientific knowledge, to avoid the unfavourable effects of inbreeding and ensure adequate cross-pollination between those trees (if possible). FRM shall be collected from an optimal number of individuals of the approved ~~The~~ basic material ~~shall be a seed source or stand located within a single region of provenance.~~***, taking into account natural conditions.***

2. ~~Effective size of the population~~***Uniformity***

~~The seed source or stand~~***Stands*** shall ~~consist of one or more groups of trees. Those~~***show a normal degree of individual variation in morphological characteristics (if possible). When necessary, inferior*** trees shall be ~~well-distributed and sufficiently numerous to maintain genetic diversity and ensure adequate cross-pollination between the trees in those~~***removed. No requirements for*** seed sources ~~or stands~~.

3. ~~Origin and region of provenance~~ ***Sustainability characteristics***

Seed sources or stands shall be well-adapted to the climatic and ecological conditions, including the biotic and abiotic factors prevailing in the region of provenance~~, the location~~ ***(if possible). The trees show resistance or tolerance to pests*** and the ~~latitudinal, longitudinal and altitudinal range of~~***adverse climatic and site conditions in*** the place~~(s),~~ where ~~the FRM is collected, shall be stated in the master certificate~~***they are growing (if possible)***.

4. ~~Sustainability characteristics~~ ***Other specific requirements for certain traits and other forest products***

~~The trees~~ ***Other specific requirements for certain traits or forest products*** shall be ~~well-adapted to the climatic and ecological conditions including the biotic and abiotic factors prevailing in the region of provenance~~ ***adopted and assessed by the competent authorities. Where these requirements are applied, it shall be indicated in Article 12(3), point (l)***.

Annex III

REQUIREMENTS FOR THE APPROVAL OF BASIC MATERIAL INTENDED FOR THE PRODUCTION OF FRM OF THE 'SELECTED' CATEGORY

~~**Part IA.**~~

A. General requirements~~: The competent authority shall assess the stand with respect to the specific purpose for which the FRM will be used and shall give due weight to requirements set out in Section B, depending on that purpose. The competent authority shall determine the criteria for selection on the basis of that specific purpose for use of the FRM. That purpose shall be indicated in the national register of the Member State concerned.~~

1. Assessment of basic material

The competent authority shall assess the stand with respect to the purpose(s) for which the FRM will be used, according to Article 3(1), and determine the criteria for selection on the basis of that (those) purpose(s). That (those) purpose(s) shall be indicated in the national register of the Member State concerned.

2. Origin

It shall be determined either by historical evidence (bibliography, documentation kept by competent authorities, research institutes or any other organisations) or by other appropriate means (provenance trials), including internationally recognised biochemical and molecular techniques (BMT), whether the stand is indigenous, non-indigenous or whether its origin is unknown and, in the case it is indigenous, whether it is autochthonous. For non-indigenous basic material the origin shall be stated if known.

3. Age and development

The age or stage of development of the trees in the stand shall be such to allow the criteria given for the selection of those trees to be clearly judged.

4. Type of basic material and location

The basic material shall be a stand located within a single region of provenance.

~~**Part IIB.**~~

B. Specific requirements:

1. ~~Origin: It shall be determined either by historical evidence (bibliography, documentation kept by competent authorities, research institutes or any other organisations) or by other appropriate means (provenance trials), including internationally recognised bio-molecular techniques, whether the stand is autochthonous/indigenous, non-autochthonous/non-indigenous or whether its origin is unknown. For non-autochthonous/non-indigenous basic material the origin shall be stated if known.~~ ***Isolation***

   (a) purposes 'multifunctional forestry', 'production of wood, biomaterials, biomass or other forest products': Stands shall be situated, if possible, at a sufficient distance from stands of poor quality of the same species or from stands of a related species which can form hybrids with the species in question. Particular attention shall be paid to this requirement when the stands surrounding autochthonous/indigenous stands are non-autochthonous/non-indigenous or of unknown origin.

   (b) purpose 'conservation of forest genetic resources': Stands shall be situated, if possible, at a sufficient distance from stands of the same species or from stands of a related species which can form hybrids with the species in question. Particular attention shall be paid to this requirement when the stands surrounding autochthonous/indigenous stands are non-autochthonous/non-indigenous or of unknown origin.

2. ~~Isolation: Stands shall be situated at a sufficient distance from stands of poor quality of the same species or from stands of a related species which can form hybrids with the species in question. Particular attention shall be paid to this requirement when the stands surrounding autochthonous/indigenous stands are non-autochthonous/non-indigenous or of unknown origin.~~***Number of harvestable and sexually mature trees***

   (a) purposes 'multifunctional forestry', 'production of wood, biomaterials, biomass or other forest products': Stands shall consist of one or more groups of sexually mature trees. Those trees shall be well distributed and sufficiently numerous in a given area to maintain genetic diversity, to avoid the unfavourable effects of inbreeding and ensure adequate cross-pollination between those trees.

(b) purpose 'conservation of forest genetic resources': Stands shall consist of one or more groups of sexually mature trees (if possible). Those trees shall be well distributed and sufficiently numerous in a given area to maintain genetic diversity, according to the available scientific knowledge, to avoid the unfavourable effects of inbreeding and ensure adequate cross-pollination between those trees (if possible). FRM shall be collected from an optimal number of individuals of the approved basic material, taking into account natural conditions.

3. ~~Effective size of the population: To maintain genetic diversity and ensure adequate cross-pollination, stands shall consist of one or more groups of trees. Those trees shall be well distributed and sufficiently numerous in a given area to maintain genetic diversity, to avoid the unfavourable effects of inbreeding and ensure adequate cross-pollination between those trees.~~***Uniformity***

(a) purposes 'multifunctional forestry', 'production of wood, biomaterials, biomass or other forest products': Stands shall show a normal degree of individual variation in morphological characteristics. However, this requirement does not apply for biomass production. When necessary, inferior trees shall be removed.

(b) purpose 'conservation of forest genetic resources': Stands shall show a normal degree of individual variation in morphological characteristics (if possible). When necessary, inferior trees shall be removed.

4. ~~Age and development: The age or stage of development of the trees in the stands shall be such to allow the criteria given for the selection of those trees to be clearly judged.~~***Sustainability characteristics***

(a) purposes 'multifunctional forestry', 'production of wood biomaterials, biomass or other forest products': Stands shall be well-adapted to the climatic and ecological conditions, including the biotic and abiotic factors prevailing in the region of provenance. The trees show resistance or tolerance to pests and the adverse climatic and site conditions in the place where they are growing.

(b) purpose 'conservation of forest genetic resources': Stands shall be well-adapted to the climatic and ecological conditions, including the biotic and abiotic factors prevailing in the region of provenance (if possible). The trees show resistance or

tolerance to pests and the adverse climatic and site conditions in the place where they are growing (if possible).

5. ~~Uniformity: Stands shall show a normal degree of individual variation in morphological characteristics. When necessary, inferior trees shall be removed.~~***Volume production***

(a) purposes 'multifunctional forestry', 'production of wood, biomaterials, biomass or other forest products': The volume of production shall normally be superior to the accepted average volume produced under similar ecological and management conditions.

(b) purposes 'conservation of forest genetic resources': No requirements.

6. ~~Sustainability characteristics:~~ ***Wood quality***

(a) ~~Stands~~***purpose 'multifunctional forestry', 'production of wood, biomaterials, biomass or other forest products': The wood quality*** shall ***normally be superior***~~be well-adapted~~ to the ~~climatic and~~***accepted average quality under similar*** ecological ***and management*** conditions~~, including the biotic and abiotic factors prevailing in the region of provenance~~***. However, this requirement does not apply for production of biomaterials, biomass or other forest products***.

(b) ~~The trees shall be practically free from pests and their symptoms and show resistance to adverse site conditions in the place where they are growing~~ ***purposes 'conservation of forest genetic resources': No requirements***.

7. ~~Volume production: For the approval of selected stands, the volume of wood produced shall normally be superior to the accepted average volume produced under similar ecological and management conditions.~~***Form or growth habit***

(a) purpose 'multifunctional forestry', 'production of wood, biomaterials, biomass or other forest products',: Trees shall show particularly good morphological features, especially straightness and circularity of stem, favourable branching habit, small size of branches and good natural pruning. In addition, the proportion of forked trees and those showing spiral grain shall be low - when necessary such trees shall be removed. However, this requirement does not apply for production of biomaterials, biomass or other forest products.

(b) purposes 'conservation of forest genetic resources': No requirements.

8. ~~Wood quality: The quality of the wood~~ ***Other specific requirements for certain traits and other forest products***

Other specific requirements for certain traits or forest products shall be ~~taken into account. The quality of the wood is an essential criterion, if the FRM will be used in the forestry industry for the purpose of producing timber, furniture or pulp. In that case~~ ***adopted and assessed by*** the competent ~~authority~~ ***authorities. Where these requirements are applied, it*** shall ~~give more weight to this criterion~~ ***be indicated in Article 12(3), point (l)***.

		Purposes		
		Multifunctional forestry	***Production of wood, biomaterials, biomass or other forest products***	***Conservation of forest genetic resources***
Specific requirements	***Isolation***	***x***	***x***	***x, if applicable***
	Number of harvestable and sexually mature trees	***x***	***x***	***x, if applicable***
	Uniformity	***x***	***x***	***x, if applicable***
	Sustainability characteristics	***x***	***x***	***x, if applicable***
	Volume production	***x***	***x***	
	Wood quality	***x***	***x (only for wood production)***	
	Form of growth habit	***x***	***x (only for wood production)***	
	Other specific requirements (specific traits or products)	***Whereso applicable***	***Whereso applicable***	***Whereso applicable***

~~9. Form or growth habit: Trees in stands shall show particularly good morphological features, especially straightness and circularity of stem, favourable branching habit, small size of branches and good natural pruning. In addition, the proportion of forked trees and those showing spiral grain shall be low.~~

Annex IV

REQUIREMENTS FOR THE APPROVAL OF BASIC MATERIAL INTENDED FOR THE PRODUCTION OF FRM OF THE 'QUALIFIED' CATEGORY

~~1~~***I***. Seed orchards

A. General requirements:

(a) The competent authority shall approve ~~and~~ ***the purpose(s) of the seed orchard according to the purpose(s) given in article 3(1). That (those) purpose(s) shall be indicated in the national*** register ~~the type and objective~~ of the ~~crossing design, the crossing design of component~~ ***Member State concerned. The*** clones or families ~~and field layout, the component clones or families, isolation and location and any changes of these.~~***(individuals) shall be selected for their outstanding characteristics according to the selected purpose(s).***

(b) The ~~professional operator~~***competent authority*** shall ~~select~~***approve and register the crossing design of*** component clones or families ~~for~~***and field layout, the component clones or families and if appropriate the degree of relationship of component clones,*** their ~~outstanding characteristics and shall give due weight to the requirements set out in points 4 and 6 to 9 of Section B of Annex III, taking into account the specific purpose for which the resulting FRM will be used~~***numbers and numbers of individuals (ramets) per clone in the case of clonal seed orchards, isolation or, if possible, limitation of pollen flow and location and any changes of these***.

(c) The component clones or families shall be planted or shall have been planted according to a plan which has been approved by the competent authority and established in such a way that each component can be identified. ***The optimal balance between the effective number of clones or families and genetic gain needs to be considered.***

(d) Thinning carried out in seed orchards shall be described together with the selection criteria used for such thinning and registered ~~with~~***by*** the competent authority.

(e) The ~~professional operator shall manage~~ seed orchards ***shall be managed,*** and ~~harvest~~ seed ***harvested,*** in such a way that the ~~objectives~~***purposes*** of the orchards are attained. In the case of a seed orchard intended for the production of ~~an~~ artificial ~~hybrid~~***hybrids***, the percentage of hybrids in the FRM shall be determined by a ~~verification test~~***molecular techniques***.

B. Specific requirements

Requirements for specific traits or products (selection criteria for component clones or families) shall be adopted and assessed by the competent authorities and be made available on request to the Commission and other Member States, taking into account, as appropriate, age and development, sustainability characteristics, volume production, wood quality, and form or growth habit and other usefull specific traits.

~~2~~***II***. Parents of family(ies)

A. General requirements:~~:~~

(a) The ~~professional operator~~***competent authority*** shall ~~select~~***approve the purpose(s) of the*** parents ***of family(ies) according to the purpose(s) given in article 3(1). That (those) purpose(s) shall be indicated in the national register of the Member State concerned. The parents of family(ies) shall be selected*** for their outstanding characteristics ~~or for their combining ability. In the case of a selection based on outstanding characteristics, due weight shall be given~~***according*** to the ~~requirements set out in points 4 and 6 to 9 of Section B of Annex III, taking into account the specific~~***selected*** purpose ~~for which the resulting FRM will be used~~***(s)***.

(b) The ~~objective~~***purpose***, crossing design and pollination system, components, isolation ~~and~~***and/or limitation of pollen flow, if possible,*** location and any significant changes of these ***characteristics*** shall be approved and registered ~~with~~***by*** the competent authority.

(c) The identity, number and proportion of the parents in a mixture shall be approved and registered ~~with~~***by*** the competent authority.

(d) In the case of parents intended for the production of ~~an~~ artificial ~~hybrid~~***hybrids***, the percentage of hybrids in the FRM shall be determined by a ~~verification test~~***molecular techniques***.

B. Specific requirements

Requirements for specific traits or products (selection criteria) shall be adopted and assessed by the competent authorities and be made available on request to the Commission and other Member States, taking into account, as appropriate, age and development, sustainability characteristics, volume production, wood quality, and form or growth habit and other usefull specific traits.

~~3~~***III***. Clones

A. General requirements

1. ***The competent authority shall approve and register*** clones ***that*** shall ***either*** be identifiable by distinctive characteristics ~~which have been approved and registered with the competent authority~~***or traceable through propagation cycles and/or molecular techniques, as appropriate***.

~~(b)~~***2.*** The value of individual clones shall be established by the observation and the qualitative assessment of the characteristics of those clones or have been demonstrated by sufficiently prolonged experimentation.

~~(c)~~***3.*** Ortets ***or cell lines*** used for the production of clones shall be selected for their outstanding characteristics ~~and due weight shall be given to the requirements set out in points 4 and 6 to 9 of Section B of Annex III,~~ taking into account the ~~specific~~ purpose***(s)*** for which the resulting FRM will be used***, as given in article 3(1)***.

~~(d)~~***4.*** Approval shall be restricted by the competent authority to a maximum number of years or a maximum number of ramets produced.

B. Specific requirements

Requirements for specific traits or products (selection criteria) shall be adopted and assessed by the competent authorities and be made available on request to the Commission and other Member States, taking into account, as appropriate, age and

development, sustainability characteristics, volume production, wood quality, and form or growth habit and other useful specific traits.

~~4.~~***IV*** Clonal mixtures

~~(a)~~***A. General Requirements***

1. Clonal mixtures shall meet the requirements set out in point ~~3(a), (b) and (c)~~***III A. (1), (2) and (3)***.

~~(b)~~***2.*** The identity, number and proportion of the component clones of a mixture, and the selection method and foundation stock shall be approved and registered by the competent authority. Each mixture shall contain sufficient genetic diversity.

~~(c)~~***3.*** Approval shall be restricted by the competent authority to a maximum number of years or a maximum number of ramets produced.

B. Specific requirements

Clonal mixtures shall meet the requirements set out in point III B.

Annex V

REQUIREMENTS FOR THE APPROVAL OF BASIC MATERIAL INTENDED FOR THE PRODUCTION OF FRM OF THE 'TESTED' CATEGORY

1. REQUIREMENTS FOR ALL TESTS

(a) General

If the basic material is a stand, it shall satisfy the appropriate requirements set out in Annex III. If the basic material is ***any of the following:*** a seed orchard(s), parents of family(ies), clones or clonal mixture(s), it shall satisfy the appropriate requirements set out in Annex IV. The competent authority shall determine the selection criteria based on the intended purpose for which the FRM will be used.

~~The professional operators shall prepare, lay out and conduct~~ Tests set up for the approval of the basic material~~. They shall interpret the results of those tests~~ ***are to be prepared, laid out, conducted and their result interpreted*** in accordance with the internationally recognised procedures. For comparative tests, ~~the professional operator~~***FRM*** shall ~~compare the FRM~~***be compared*** under test with one or preferably several approved or pre-chosen standards as described in point 3(b).

(b) Characteristics to be examined

(i) ~~The professional operator shall design~~ Tests ***must be designed*** to assess ~~the relevant~~***those*** characteristics specified in point (ii) and ***these*** shall ~~indicate these~~***be indicated*** for each test in the test records.

(ii) Weight shall be given ~~to adaptation, growth, biotic and abiotic factors of importance. In addition, other~~ characteristics~~,~~ considered important in view of the intended specific purpose~~,~~***. They*** shall be evaluated in relation to the ecological conditions of the region in which the test is carried out including current and future projected climatic conditions.

(c) Documentation

The competent authorities or, where applicable, the professional ~~operator~~***operators,*** shall keep records describing ***the following elements:*** the test sites, including the location, climate, soil, past use, establishment, management and any damage due to abiotic/biotic factors~~. He shall make~~

~~those records available to the competent authority upon request. The competent authority shall record the age of the basic material and the FRM and~~***, alongside with all*** the results at the time of the evaluation. ***In the case where those records are kept by the professional operators, they shall be made available to the competent authority.***

(d) Setting up the tests

(i) ~~The professional operator shall raise, plant and manage~~ Each sample of FRM ***shall be raised, planted and managed*** in an identical way as far as the types of plant material permit.

(ii) ~~The professional operator shall establish~~ Each experiment ***shall be established*** in a valid statistical design ~~with a sufficient number of trees,~~ in order that the individual characteristics of each component under examination can be evaluated.

(e) Analysis and validity of results

(i) ~~The professional operator shall analyse~~ The data from ***the*** experiments ***shall be analysed*** using internationally recognised statistical methods and ~~shall present~~ the results ***shall be presented*** for each characteristic examined.

(ii) The methodology used for the test and***, if possible,*** the detailed results obtained***,*** shall be made freely ~~available~~***accessible***.

(iii) The competent authority of the Member State in which the test was carried out ~~shall~~***may*** designate the suggested deployment area, and shall inform about any characteristics of the FRM, which might limit its usefulness.

(iv) If during tests it is proved that the FRM does not possess at least the characteristics of the basic material from which that FRM was produced, ~~including in particular the resistance/tolerance to plant pests of economic importance,~~ then such FRM shall not be certified as tested material.

2. REQUIREMENTS FOR GENETIC EVALUATION OF THE COMPONENTS OF BASIC MATERIAL

(a) The components of the following basic material may be genetically evaluated: seed orchards, parents of family(ies), clones and clonal mixtures.

(b) **Documentation**

The following additional documentation shall be required for approval of the basic material providing information about:

(i) the identity, origin and pedigree of the evaluated components;

(ii) the crossing design used to produce the FRM used in the evaluation tests.

(c) **Test procedures**

The following requirements shall be met:

(i) The genetic value of each component shall be estimated ~~in~~***using information from*** two or more evaluation test-sites, at least one of which shall be in an environment relevant for the intended deployment area of the FRM.

(ii) The test period shall be of sufficient duration for the tested characteristics to be expressed.

(iii) The estimated superiority of the FRM to be marketed shall be calculated on the basis of these genetic values and the specific crossing design.

(iv) Evaluation tests and genetic calculations shall be approved by the competent authority.

(d) **Interpretation**

(i) The estimated superiority of the FRM shall be calculated against a reference population for a characteristic or set of characteristics. The professional operator shall define the reference population in the breeding ~~program~~ ***programme*** and describe this reference population in the test reports.

(ii) It shall be stated whether the estimated genetic value of the FRM is inferior to the reference population for any important characteristic.

3. **REQUIREMENTS FOR COMPARATIVE TESTING OF FRM**

(a) Sampling of the FRM

(i) The sample of the FRM for comparative testing shall be truly representative of the FRM derived from the basic material to be approved.

(ii) Sexually produced FRM for comparative testing shall be:

- harvested in years of good flowering and good fruit/seed production, and
- harvested by methods that ensure that the samples obtained are representative.

Artificial pollination may be utilised for the production of such FRM.

(b) **Standards**

(i) The performance of standards used for ~~comparative purposes~~***comparison*** in the tests shall, if possible, be known over a sufficiently long period in the region in which the test is to be carried out. The standards represent, in principle, basic material that has been shown to be useful for the ~~intended~~***relevant*** purpose ~~for forestry~~ at the time that the test starts, and in ecological conditions for which it is proposed to certify the FRM. The standards used for ~~comparative purposes~~ ***comparison*** in the tests shall be, as far as possible:

- stands selected according to the criteria in Annex III; or
- basic material officially approved for the production of FRM of the tested category.

(ii) For comparative testing of artificial hybrids, both parent tree species shall, if possible, be included among the standards.

(iii) Several standards shall be used whenever possible. When justified, standards may be replaced by the most suitable of the FRM under test or the mean of the components of the test.

(iv) The same standards shall be used in all tests over as wide a range of site conditions as possible.

(c) **Interpretation**

(i) A statistically significant superiority as compared with the standards shall be demonstrated for at least one important characteristic.

(ii) ~~The professional operator~~***It*** shall ~~report~~***be reported*** if there are any characteristics of economic or environmental importance which show significantly inferior results to the standards, and their effects shall be compensated for by favourable characteristics.

4. PROVISIONAL APPROVAL

Preliminary assessment of young trials may be the basis for provisional approval. Claims of superiority based on an early assessment shall be re-examined at a maximum interval of ten years.

5. EARLY TESTS

Nursery, greenhouse and laboratory tests may be accepted by the competent authority for provisional approval or for final approval, if it can be shown that there is a close correlation between the ~~measured~~***target*** characteristic and the characteristics normally assessed in forest stage tests. Other characteristics to be tested shall meet the requirements set out in point 3.

Annex VI

CATEGORIES UNDER WHICH FRM FROM THE DIFFERENT TYPES OF BASIC MATERIAL MAY BE MARKETED

Basic material	Category of FRM ~~(Label colour, if coloured official label used)~~			
	Source-identified ~~(Yellow)~~	Selected ~~(Green)~~	Qualified ~~(Pink)~~	Tested ~~(Blue)~~
Seed source	x			
Stand	x	x		x
Seed orchard			x	x
Parents of family(ies)			x	x
Clone			x	x
Clonal mixture			x	x

Annex VII

Amendment of Annex VII to Regulation (EU) 2016/2031

In Annex VII to Regulation (EU) 2016/2031, the following parts are added:

'PART E

Plant passports for movement within the Union territory, combined with the official label, as referred to in Article 83(5), second subparagraph

(1) The plant passport for movement within the Union territory, combined in a joint label with the official label referred to in Article 83(5), shall contain the following elements:

(a) the words 'Plant Passport' in the upper right-hand corner of the joint label, in one of the official languages of the Union and in English, if different, separated by a slash;

(b) the flag of the Union in the upper left-hand corner of the joint label printed in colour or in black and white. The plant passport shall be positioned in the joint label immediately above the official label and have the same width as that official label.

(2) Point (2) of Part A shall apply accordingly.

PART F

Plant passports for introduction into and movement within protected zones, combined with the official label, as referred to in Article 83(5), third subparagraph

(1) The plant passport for introduction into and movement within protected zones, combined in a joint label with the official label for FRM referred to in Article 83(5), shall contain the following elements:

(a) the words 'Plant Passport — PZ' in the upper right-hand corner of the joint label in one of the official languages of the Union and in English, if different, separated by a slash;

(b) immediately underneath those words, the scientific name(s) or code(s) of the protected zone quarantine pest(s) concerned;

(c) the flag of the Union in the upper left-hand corner of the joint label printed in colour or in black and white.

The plant passport shall be positioned in the joint label immediately above the official label and have the same width ┼as that official label.

(2) Point (2) of Part B shall apply accordingly.’

Annex VIII

Correlation table